

**BOARD OF SUPERVISORS**

**MINUTES**

**December 15, 2004**

**Supervisors in Attendance:**

Mr. Kelly E. Miller, Chairman  
Mr. Edward B. Barber, Vice Chrm.  
Mrs. Renny Bush Humphrey  
Mr. R. M. "Dickie" King, Jr.  
Mr. Arthur S. Warren

Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Mr. Skip Auld, Asst.  
Dir., Libraries  
Colonel Carl R. Baker,  
Police Department  
Mr. George Braunstein,  
Exec. Dir., Community  
Services Board  
Mr. Kevin Bruny, Dean,  
Chesterfield University  
Mr. Craig Bryant, Dir.,  
Utilities  
Dr. Billy Cannaday, Jr.,  
Supt., School Board  
Ms. Jana Carter, Dir.,  
Youth Planning and  
Development  
Ms. Marilyn Cole, Asst.  
County Administrator  
Mr. Richard Cordle,  
Treasurer  
Ms. Mary Ann Curtin, Dir.,  
Intergovtl. Relations  
Ms. Rebecca Dickson, Dir.,  
Budget and Management  
Ms. Debbie Dugger, Dir.,  
Youth Group Home  
Mr. James Dunn, Dir.,  
Economic Development  
Mr. Robert Eanes, Asst. to  
the County Administrator  
Ms. Lisa Elko, CMC  
Clerk  
Ms. Karla Gerner, Dir.,  
Human Resource Mgmt.  
Mr. Michael Golden, Dir.,  
Parks and Recreation  
Mr. Bradford S. Hammer,  
Deputy Co. Admin.,  
Human Services  
Mr. John W. Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Maj. David Hutton,  
Sheriff's Office  
Mr. Thomas E. Jacobson,  
Dir. of Revitalization  
Mr. H. Edward James,  
Dir., Purchasing  
Mr. Donald Kappel, Dir.,  
Public Affairs

Ms. Kathryn Kitchen, Asst.  
Supt. of Schools for  
Business and Finance  
Mr. Louis Lassiter, Dir.,  
Internal Audit  
Ms. Mary Lou Lyle, Dir.,  
Accounting  
Acting Chief Paul Mauger,  
Fire and EMS Dept.  
Mr. R. John McCracken,  
Dir., Transportation  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney  
Mr. F. O. Parks, Dir.,  
Information Systems Tech.  
Mr. Francis Pitaro, Dir.,  
General Services  
Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. M. D. Stith, Jr.,  
Deputy Co. Admin.,  
Community Development  
Mr. Thomas Taylor, Dir.,  
Block Grant Office  
Mr. Kirk Turner, Dir.,  
Planning

Mr. Miller called the regularly scheduled meeting to order at 3:38 p.m.

**1. APPROVAL OF MINUTES FOR NOVEMBER 23, 2004 (REGULAR MEETING) AND DECEMBER 1, 2004 (LEGISLATIVE RECEPTION)**

On motion of Mr. King seconded by Mr. Warren, the Board approved the minutes of November 23, 2004 and December 1, 2004, as submitted.

Ayes: Miller, Humphrey, King and Warren.  
Nays: None.  
Absent: Barber.

**2. COUNTY ADMINISTRATOR'S COMMENTS**

**O RECOGNITION OF BOND REFERENDUM TEAM MEMBERS**

Mr. Eanes recognized members of the 2004 Bond Referendum Team and thanked them for their outstanding efforts towards the overwhelming passage of the bond referendum on November 2, 2004.

Mr. Miller expressed appreciation to the Bond Referendum Team on behalf of the Board.

### **3. BOARD COMMITTEE REPORTS**

Mr. Miller congratulated the Meadowbrook Monarchs for winning the State Football Championship and also the L. C. Bird Skyhawks who made it to the semi-finals.

### **4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

On motion of Mr. Warren, seconded by Mr. King, the Board added Item 8.C.1.g., Resolution Recognizing Ms. Rosa Kearns-Smith, Chesterfield County Public Library, Upon Her Retirement; replaced Item 8.C.5.b., Request to Quitclaim Portions of Sixteen-Foot Water Easements, a Sixteen-Foot Sewer Easement, a Variable Width Drainage Easement, and a Variable Width Virginia Department of Transportation Sight Distance Easement Across the Property of Lee Scott, Managing Trustee for Wal-Mart Real Estate Business Trust; moved Item 8.C.6., Approval of the Purchase of Two Parcels of Land for Genito Road High School to be heard after Item 11., Closed Session; replaced Item 8.C.13., Acceptance of Open Space Easements; replaced Item 11., Closed Session Pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as Amended, Relating to the Performance of a Specific Employee of the County and Pursuant to Section 2.2-3711(A)(3), to Discuss with Legal Counsel the Acquisition of Real Estate for a Public Purpose Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; moved Item 15.A., Resolution Recognizing Miss Anna Margaret Yoke Upon Attaining the Gold Award to Item 8.C.1.f.; added Item 15.C., Resolution Recognizing Ms. Meredith Bonny for Outstanding Media Coverage of Chesterfield County; and adopted the Agenda, as amended.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

### **5. RESOLUTIONS AND SPECIAL RECOGNITIONS**

#### **5.A. RECOGNIZING COMMUNITY SERVICES BOARD MEMBERS**

##### **5.A.1. MR. THOMAS M. DEADMORE**

Mr. Braunstein introduced Mr. Thomas "Mac" Deadmore who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Thomas "Mac" Deadmore, representing the Dale Magisterial District, has served as a dedicated and faithful member of the Chesterfield County Community Services Board since his appointment by the Board of Supervisors in March 1996; and

WHEREAS, during his term as a member of the Chesterfield County Community Services Board, Mr. Deadmore has served with distinction as a member of the Policy Committee, the Service Quality Committee, and the Executive Committee and Chair of the Board in 2000 and 2001; and

WHEREAS, Mr. Deadmore successfully led the Chesterfield County Community Services Board during period of significant growth in services; and

WHEREAS, Mr. Deadmore provided the Chesterfield County Community Services Board with strong, effective leadership during a time of organizational leadership restructuring; and

WHEREAS, Mr. Deadmore has for a number of years been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities, such as the Chairman of the Virginia Industries for the Blind, and serving on the Richmond Advisory Board, and the Meadowbrook Estates Civic Association; and

WHEREAS, Mr. Deadmore is acknowledged locally for his dedication and genuine concern for persons with mental disabilities.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15<sup>th</sup> day of December 2004, publicly recognizes Mr. Thomas M. Deadmore, and expresses its sincere appreciation for his continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Deadmore, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

Mr. Miller presented the executed resolution and a silver bowl to Mr. Deadmore, accompanied by Mr. Braunstein, and expressed appreciation for his dedicated service on the Chesterfield Community Services Board.

Mr. Deadmore expressed appreciation to the Board for the opportunity to serve on the Chesterfield Community Services Board and stated it has been an honor and a privilege to serve.

#### **5.A.2. MR. HARRY E. COLESTOCK, III**

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Harry E. Colestock, III, as member-at-large, has served as a dedicated and faithful member of the Chesterfield County Community Services Board since his appointment by the Board of Supervisors, from January 1993 until December 1999 and from January 2002 until December 2004; and

WHEREAS, during his term as a member of the Chesterfield County Community Services Board, Mr. Colestock has served with distinction as Chair of the Program Committee, Executive Committee, Finance Committee, Audit Committee, Human Resources Committee and as Vice Chair of the Board; and

WHEREAS, Mr. Colestock served as Chair of the Audit Committee during a period of significant improvement of the department's overall budget; and

WHEREAS, Mr. Colestock is recognized as a strong advocate for growth in consumer services; and

WHEREAS, Mr. Colestock was appointed by former Governor Allen to the State Child Fatality Review Team; and

WHEREAS, Mr. Colestock has for a number of years been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities, such as being a member of the DMAS Continuum of Care Study and the Civil Air Patrol; and

WHEREAS, Mr. Colestock is acknowledged for his dedication and genuine concern for persons with mental disabilities.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15<sup>th</sup> day of December 2004, publicly recognizes Mr. Harry E. Colestock, III, and expresses its sincere appreciation for his continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Colestock, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

(It is noted Mr. Colestock was unable to attend the meeting and the resolution will be presented to him at a later date.)

**5.A.3. MR. DEAN A. LYNCH**

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Dean Lynch, as member-at-large, has served as a dedicated and faithful member of the Chesterfield County Community Services Board since his appointment by the Board of Supervisors in December 2002; and

WHEREAS, during his term as a member of the Chesterfield County Community Services Board, Mr. Lynch has served with distinction as a member of the Executive Committee, Chair of the Finance Committee, and Vice Chair of the Board; and

WHEREAS, Mr. Lynch has been a strong advocate for the Chesterfield County Community Service Board's relationship with local government; and

WHEREAS, Mr. Lynch has given significant assistance with Public Policy planning on the state level; and

WHEREAS, Mr. Lynch has for a number of years been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities, such as volunteer coach for sports programs sponsored by the Chesterfield County Parks and Recreation Department, member of the Chesterfield County Schools PTA, and member of Huguenot Road Baptist Church; and

WHEREAS, the guidance and commitment demonstrated by Mr. Lynch is an important example of effective advocacy in support of quality services.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15<sup>th</sup> day of December 2004, publicly recognizes Mr. Dean A. Lynch and expresses its sincere appreciation for his continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Lynch, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King and Warren.

Nays: None.

Absent: Barber.

(It is noted Mr. Lynch was unable to attend the meeting and the resolution will be presented to him at a later date.)

**5.B. RECOGNIZING CHESTERFIELD COUNTY EMPLOYEES OF THE YEAR**

Ms. Cole introduced the 2004 Employees-of-the-Year, who were as follows:

<u>Name</u>	<u>Department</u>
Sharyl Adams	Youth Planning and Development
Belinda Ashmore	Real Estate Assessments
Donald L. Birdsong, Jr.	General Services
Carol R. Blair	Building Inspection
George W. Bowles	Utilities Department
Deputy Dale Carter	Sheriff's Office
Damien J. Connelley	Police Department
Cindy Creed	Purchasing
Sharon Dudley	Risk Management
Gerard J. Duffy	Environmental Engineering
Joy Galusha	County Administration
Tammy George	Mental Health/Mental Retardation/Substance Abuse

Lora S. Holland	Internal Audit
Jeffery T. Howard	Environmental Management
Charles Hughes	Information Systems Technology
James K. Jenkins	Parks and Recreation*
Sherri Legat	Chesterfield University
Michelle McKesson	County Attorney's Office
Sharon Noyes	Library
Gene Pearson	Community Corrections Services*
Dianne Price	Human Resource Management
Martha Reiss	Budget and Management
Regina Smith	Fire and Emergency Medical Services
Stacy Taffer	Planning
Julia Timberlake	Juvenile Probation
Consuela Y. Toye	Accounting
Jackie Tucker	Youth Group Home
John Alexander Wagle, IV	Emergency Communications
Jack Watts	Health Department
Beverly Young	Treasurer's Office

Mr. Miller presented the Employees-of-the-Year with a plaque recognizing them as their department's Employee-of-the-Year and expressed appreciation, on behalf of the Board and citizens, for their dedication.

Mr. Ramsey expressed appreciation to the Board for recognizing the county's Employees-of-the-Year and stated he is very proud of each of them.

A standing ovation followed.

(\*It is noted Mr. Jenkins and Mr. Pearson were unable to attend the meeting.)

Mr. Barber arrived at the meeting.

## 6. WORK SESSIONS

There were no work sessions at this time.

## **7. DEFERRED ITEMS**

### **O TO CONSIDER AMENDING THE COUNTY POLICY REGARDING CRIMINAL BACKGROUND CHECKS FOR COACHES OF CO-SPONSORED GROUPS TO REQUIRE NATIONAL CHECKS**

Mr. Michael Chernau, Senior Assistant County Attorney, stated the Board held a public hearing on November 10, 2004 to consider expanding the background checks for coaches of co-sponsored groups from the state database of crimes to the FBI's national database. He further stated 460 of the approximately 10,000 individuals who have had background checks under the existing policy since 2001 have had criminal backgrounds, and 64 were disqualified from coaching as a result of the convictions. He stated the Parks and Recreation Advisory Commission recommends expansion of background checks to national FBI checks. He further stated staff recommends that national checks be phased in beginning January 1, 2005, as follows: 1) FBI background checks will be performed on all new co-sponsored coaches; 2) all new coaches' cards issued will have an expiration date three years from date of issue; and 3) all current coaches' cards will be phased into the new system in FY06-FY08. He noted the policy will also include a provision, which will permit the County Administrator to implement a system-wide random criminal check process on all coaches in the future if the County Administrator deems such a process appropriate.

In response to Mr. King's question, Mr. Chernau stated existing coaches will receive replacement cards that expire in three years.

In response to Mr. Miller's question, Mr. Chernau stated the FBI background checks will be performed on a random basis on existing coaches over the next three years.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board amended the county policy regarding criminal background checks for coaches of co-sponsored groups to require national checks through the FBI database.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## **8. NEW BUSINESS**

### **8.A. APPOINTMENTS**

On motion of Mr. Warren, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Appomattox River Water Authority Board, Disability Services Board, Youth Services Citizen Board, Industrial Development Authority, Arts and Cultural Funding Consortium, Solid Waste Advisory Committee, Chesterfield Community Services Board, and the Agricultural Committee.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.



**8.A.1. APPOMATTOX RIVER WATER AUTHORITY BOARD**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Mr. Craig Bryant and Mr. Lane B. Ramsey to serve on the Appomattox River Water Board, whose terms are effective January 1, 2005 and expire December 31, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.A.2. DISABILITY SERVICES BOARD**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Ms. Carol Granger, staff representative, to serve on the Disability Services Board, whose term is effective January 1, 2005 and expires December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.A.3. YOUTH SERVICES CITIZEN BOARD**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed Ms. Tabitha Ballard, a youth representing the Matoaca District, to serve on the Youth Services Citizen Board, whose term is effective December 16, 2004 and expires June 30, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.A.4. INDUSTRIAL DEVELOPMENT AUTHORITY**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed Mr. Lloyd A. Lenhart, representing the Matoaca District, to serve on the Industrial Development Authority, whose term is effective immediately and expires June 30, 2007. (It is noted Mr. Lenhart will fill the unexpired term as a result of the resignation of Mr. Henry Moore.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.A.5. ARTS AND CULTURAL FUNDING CONSORTIUM**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/reappointed Ms. Beverly Perdue Jennings to serve as an at-large member on the Arts and Cultural Funding Consortium, whose term is effective January 1, 2005 and expires December 31, 2006.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.A.6. SOLID WASTE ADVISORY COMMITTEE**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed/reappointed Mr. Michael Murphy, representing the Midlothian District; Mr. Donald Armstrong, representing the Clover Hill District; Mr. Arthur Rubin, representing the Dale District; Mr. William Rigglesman, representing the Bermuda District; and Mr. Richard Nunnally, representing the county at-large, to serve on the Solid Waste Advisory Committee, whose terms are effective January 1, 2005 and expire December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.A.7. CHESTERFIELD COMMUNITY SERVICES BOARD**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed/reappointed Ms. Ruth P. Roberts, representing the county at-large, Mr. James G. Lumpkin, representing the Dale District, and Ms. Nancy Briggs, representing the county at-large, to serve on the Chesterfield Community Services Board, whose terms are effective January 1, 2005 and expire December 31, 2007.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.A.8. AGRICULTURAL COMMITTEE**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed the following members to serve on the Agricultural Committee, whose terms are effective immediately and expire December 31, 2006:

<u>Name</u>	<u>District</u>
Stuart Jones (Farm Bureau)	At-large
Steven Lindberg (Forester)	At-large
Rudy Horak	Bermuda
Donnie Woodcock	Clover Hill
Ray Payne	Dale
Bruce Moseley	Matoaca

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.B. STREETLIGHT INSTALLATION COST APPROVALS**

On motion of Mr. King, seconded by Mr. Miller, the Board approved the following streetlight installations:

Bermuda District

In the Rayon Park Subdivision:

- Telbury Street, vicinity of 7620  
Cost to install streetlight: \$484.58
- Congress Road, vicinity of 2740  
Cost to install streetlight: \$484.58

- Senate Street, vicinity of 7816  
Cost to install streetlight: \$491.39
- Senate Street, vicinity of 7640  
Cost to install streetlight: \$491.39

Dale District

In the Creek Meadow Subdivision:

- Meadow Glen Place, vicinity of 3118  
Cost to install streetlight: \$194.79

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C. CONSENT ITEMS**

**8.C.1. ADOPTION OF RESOLUTIONS**

**8.C.1.a. RECOGNIZING FIREFIGHTER JOHN D. FAISON,  
CHESTERFIELD COUNTY FIRE AND EMERGENCY MEDICAL  
SERVICES DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Firefighter John David Faison will retire from the Chesterfield Fire and Emergency Medical Services Department, Chesterfield County, on January 1, 2005; and

WHEREAS, Firefighter Faison attended Recruit School #10 in 1979 and has faithfully served the county for over twenty-five years in various assignments as a firefighter at the Chester Fire Station, the Bensley Fire Station, the Dutch Gap Fire Station, the Ettrick Fire Station, the Airport Fire and EMS Station, the Matoaca Fire and EMS Station, the Centralia Fire and EMS Station and at the Winterpock Fire and EMS Station; and

WHEREAS, Firefighter Faison was instrumental in the rescue of multiple firefighters from a structural collapse during operations at the Centralia Presbyterian Church fire on April 23, 1983; and

WHEREAS, Firefighter Faison was involved in a successful life save on August 6, 1993 when a tornado struck the City of Colonial Heights; and

WHEREAS, Firefighter Faison received a certificate of recognition in 2002 for an improved process I.D.E.A. suggestion that enhanced the delivery of EMS supplies to the fire stations; and

WHEREAS, Firefighter Faison assisted in remodeling the Matoaca Fire Station, which improved the effectiveness and efficiency of daily operations; and

WHEREAS, Firefighter Faison was instrumental in the successful opening of the Centralia and Winterpock Fire Stations; and

WHEREAS, Firefighter Faison served Chesterfield County as a strong firefighter, a role model for the new recruits, an informal leader and a solid acting officer.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Firefighter John David Faison, expresses the appreciation of all residents for his service to the county, and extends their appreciation for his dedicated service and their congratulations upon his retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.1.b. RECOGNIZING LIEUTENANT JEFFREY A. HOWE,  
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES  
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Lieutenant Jeffrey Howe will retire from the Fire and Emergency Medical Services Department, Chesterfield County, on January 1, 2005; and

WHEREAS, Lieutenant Howe attended Recruit School #6 in 1976 and has faithfully served the county for over twenty-eight in various assignments as a Firefighter at the Chester, Wagstaff Circle and Manchester Fire Stations; as a Sergeant at the Manchester, Chester and Buford Fire Stations; as a Lieutenant at the Bon Air Fire Station, as an Assistant Fire Marshall in the Fire and Life Safety Division; and then as a Lieutenant at the Ettrick, Buford, Enon, Bensley and Dutch Gap Fire Stations; and

WHEREAS, Lieutenant Howe was an early member of the Chesterfield Fire and Emergency Medical Services Scuba Rescue Team for several years; and

WHEREAS, Lieutenant Howe initiated a program to read to children at Ettrick Elementary School; and

WHEREAS, Lieutenant Howe was the first arriving officer on scene at the Colonial Heights Wal-Mart Tornado Incident and began rescue operations that resulted in a Unit Citation Award; and

WHEREAS, Lieutenant Howe was involved in the successful rescue of a tree service worker from an elevated bucket truck on Woodpecker Road resulting in a Unit Citation Award; and

WHEREAS, Lieutenant Howe was an important member of several unit design committees that developed the specifications for some of the fire units currently in service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Lieutenant Jeffrey Howe, expresses the appreciation of all residents for his service to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.1.c. RECOGNIZING MR. MICHAEL ANDREW FAISON UPON  
ATTAINING THE RANK OF EAGLE SCOUT**

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Michael Andrew Faison, Troop 800, sponsored by Bethel Baptist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Michael has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15<sup>th</sup> day of December 2004, recognizes Mr. Michael Andrew Faison, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.1.d. SUPPORTING THE MAINTENANCE DREDGING OF THE  
APPOMATTOX RIVER**

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Appomattox River is tidal and historically was navigable to its Fall Line in South Central Virginia; and

WHEREAS, the navigability of the Appomattox River was an important factor in the historical development of South Central Virginia; and

WHEREAS, it enabled early Virginia colonists to explore the territory, conduct trade with Native Americans, establish a settlement at the Fall Line of the river, and eventually incorporate that settlement as the City of Petersburg; and

WHEREAS, Petersburg became a major transshipment point for agricultural goods and manufactured products of the farmers and mercantilists of South Central Virginia; and

WHEREAS, in 1871, the U. S. Congress, recognizing the importance of the Appomattox River, authorized a navigation channel in the Appomattox River, to be maintained by the U. S. Army Corps of Engineers; and

WHEREAS, this navigation channel was from the confluence of the Appomattox River with the James River at what is now the City of Hopewell to a harbor in the City of Petersburg; and

WHEREAS, this channel was used extensively by river traffic until around 1960, when silt accumulation restricted the channel and eventually precluded river access to the harbor in Petersburg; and

WHEREAS, reopening the historic navigation channel in the Appomattox will improve the environmental condition of the river; and

WHEREAS, a restored channel will also serve as a catalyst for commercial revitalization of historic downtown Petersburg; and

WHEREAS, the channel will enhance local and regional tourism, expand local and regional recreational opportunities and return the river to its historical navigability to the City of Petersburg; and

WHEREAS, all of these benefits of reopening the historic navigation channel of the Appomattox River have potentially positive benefits for the City of Petersburg and the entire region.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15th day of December 2004, recognizes the historic importance of the Appomattox River and the navigation channel authorized in the Appomattox River by the U. S. Congress in 1871, and strongly supports the maintenance dredging of the existing federally-authorized navigation channel in the Appomattox River to restore the historical access to the harbor in the City of Petersburg at the Fall Line of the river, and encourages the U. S. government and the government of the Commonwealth of Virginia to provide the requisite funding to conduct this important project to restore the navigability of the historic resource known as the Appomattox River.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.1.e. RELATING TO AGREEMENTS FOR ACQUISITION OF REAL PROPERTY FOR ECONOMIC DEVELOPMENT AND OTHER PUBLIC PURPOSES AND APPROPRIATION OF FUNDS**

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, APPROVING THE AMENDMENT AND RESTATEMENT OF MEADOWVILLE DEVELOPMENT AGREEMENT TO PROVIDE THAT THE PARTIES TO THE SAME SHALL BE THE COUNTY AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY, TO PROVIDE FOR THE FINANCING OF THE ACQUISITION OF REAL PROPERTY FOR THE PROPOSED MEADOWVILLE TECHNOLOGY PARK, INCLUDING AREAS TO BE PRESERVED A WETLANDS AND USED TO BUILD A SYSTEM OF STREETS AND ROADS AND OTHER INFRASTRUCTURE IMPROVEMENTS WITHIN THE PARK AND CERTAIN INFRASTRUCTURE IMPROVEMENTS THROUGH THE ISSUANCE BY SUCH AUTHORITY OF NOT TO EXCEED \$20,000,000 PRINCIPAL AMOUNT OF ITS REVENUE BONDS AND TO PROVIDE THAT AS SECURITY FOR THE PAYMENT OF DEBT SERVICE ON SUCH AUTHORITY REVENUE BONDS, THE COUNTY WOULD AGREE TO MAKE PAYMENTS ON BEHALF OF SUCH AUTHORITY IN AN AMOUNT EQUAL TO DEBT SERVICE ON SUCH REVENUE BONDS, SUCH PAYMENTS BY THE COUNTY TO BE SUBJECT TO ANNUAL APPROPRIATION BY THE BOARD OF SUPERVISORS; APPROVING THE AMENDMENT OF OTHER EXISTING OPTION AGREEMENTS AND APPROVING A SUPPORT AGREEMENT FOR THE ACQUISITION BY SUCH AUTHORITY OF AN ADDITIONAL PARCEL IN SUCH PARK; AND APPROVING THE PREPARATION OF OTHER DOCUMENTS FOR USE BY SUCH AUTHORITY IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF AND SECURITY FOR SUCH AUTHORITY'S REVENUE BONDS

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

SECTION 1. Findings and Determinations. The Board of Supervisors (the "Board of Supervisors") of the County of Chesterfield, Virginia (the "County"), hereby finds and determines as follows:

(a) Commencing in 1997, the Industrial Development Authority of the County of Chesterfield (the "IDA"), at the request of the County, has entered into various agreements with property owners pursuant to which the IDA has been granted options to purchase undeveloped real property for the proposed Meadowville Technology Park ("Meadowville Technology Park" or the "Park"), which is located in the Bermuda Magisterial District adjacent to the James River in Chesterfield County, Virginia.

(b) It is contemplated that the proposed Park would be developed as an industrial and office park, with an emphasis on clean, high-tech industries and that parcels of real property would be sold or dedicated to businesses over time to construct offices, manufacturing/ assembly plants, logistical support and related technology facilities within the Park. Portions of the area encompassing the Park would be preserved as wetlands or used to build a system of streets and roads and other infrastructure improvements within the Park, including an interchange with Interstate I-295.

(c) The first such agreement was a Development Agreement, dated December 12, 1997 (the "Meadowville Development Agreement" or the "Development Agreement"), by and between with the IDA and Meadowville L.L.C., covering approximately 1,000 acres of unencumbered land.

(d) Pursuant to the exercise of options granted under the Meadowville Development Agreement, to date, the IDA has acquired approximately 142 acres of real property within the area to be encompassed by the proposed Park.

(e) In addition to the options granted to it under the Meadowville Development Agreement, the IDA has entered into option agreements with H. Gordon Peters granting the IDA the option to purchase approximately 33 acres of real property, with George P. Emerson, Jr. et al. granting the IDA the option to purchase approximately 145.5 acres of real property and with James Associates granting the IDA the option to purchase approximately 48 acres of real property.

(f) The option agreements grant the IDA the option to purchase real property from time to time contingent upon sufficient funding levels being available.

(g) The County has in the past adopted budgets with sufficient funding to satisfy terms of the option agreements. The IDA has from time to time exercised the right to acquire property through the options and now owns approximately 158 of 1,227 acres associated with the options.

(h) The County recently evaluated its position in respect to the option agreements and has found it would be beneficial to the County for the IDA to acquire the remaining 1,069 acres within the area encompassing the proposed Park from the respective property owners at the present time rather than continuing to purchase real property pursuant to the terms of the existing option agreements from time to time.

(i) In addition, the County has determined that, by renegotiating the existing Meadowville Development Agreement and the other existing option agreements, such remaining 1,069 acres can be purchased now for an aggregate purchase price of substantially less than the option prices currently provided for in the existing Meadowville Development Agreement and the other existing option agreements.

(j) The early purchase by the IDA provides the IDA complete control of the property in the Park.

(k) Furthermore the County finds it beneficial for the IDA to acquire the approximately 100 acre Coons parcel, to be included in the Park.

(l) The County Administrator finds it beneficial for the IDA to include certain improvements with the financing for the acquisition of real property.

(m) The County can provide financial support to the IDA for the financing for the acquisition of real property and certain infrastructure improvements in an amount approximately equal to or less than that necessary to maintain the existing option agreements.

(n) In order to finance the acquisition of the remaining acres of real property within the area encompassing the proposed Meadowville Technology Park and the approximately 100 acre Coons parcel, including the areas to be preserved as wetlands and used to build a system of streets and roads and other infrastructure improvements within the Park, and to finance certain infrastructure improvements it is contemplated that the IDA would issue its revenue bonds (the "IDA Revenue Bonds") in a principal amount of not to exceed \$20 million, including costs of issuance of the financing, and that, as security for the payment of the debt service on the IDA Revenue Bonds, the County would agree



to make payments on behalf of the IDA on a periodic basis in accordance with the provisions of an amended and restated Development Agreement (the "Amended and Restated Development Agreement") in an amount equal to the debt service on the IDA Revenue Bonds, the agreement of the County with respect to such payments to be more fully provided for in the trust indenture or agreement and related documents providing for the issuance and security for the IDA Revenue Bonds, such payments by the County to be subject to annual appropriation by the Board of Supervisors.

(o) The payment obligations of the County under the Amended and Restated Development Agreement would be structured such that the County's annual payments would be approximately equal to, or less than, the amounts the IDA, on behalf of the County, is currently obligated to pay under the existing Meadowville Development Agreement and the other existing option agreements.

(p) By adoption of this resolution, the Board of Supervisors has determined to approve the amendment and restatement of the Meadowville Development Agreement, the amendment of the other existing option agreements and the support agreement for the IDA acquisition agreement for real property for the Coons parcel, to authorize the County Administrator to prepare disclosure documents for use by the IDA in connection with the authorization, issuance, sale and delivery of the IDA Revenue Bonds, to authorize the County Administrator to execute and deliver the Amended and Restated Development Agreement and the support agreement for the IDA acquisition of real property for the Coons parcel and all other documents as shall be necessary or appropriate to consummate the acquisition of the remaining approximately 1,069 acres of real property for the proposed Meadowville Technology Park and to finance such acquisition, including the areas to be preserved as wetlands and used to build a system of streets and roads and other infrastructure improvements, and to finance certain infrastructure improvements and appropriate up to \$150,000 from the Industrial Park Reserve for a portion of the associated real estate closing costs (including, without limitation, boundary surveys and legal descriptions, recordation fees, title insurance and environmental assessments).

SECTION 2. Approval of Amendment and Restatement of Meadowville Development Agreement; Authorization of Execution and Delivery of Amended and Restated Meadowville Development Agreement. The Board of Supervisors hereby approves the amendment and restatement of the Meadowville Development Agreement in its entirety (as amended and restated the "Amended and Restated Development Agreement"), among other things, (a) to provide that the parties to the Amended and Restated Development Agreement shall be the County and the IDA, (b) to provide for the financing of the acquisition of the remaining acres of real property within the area encompassing the proposed Meadowville Technology Park and the approximately 100 acre Coons parcel, including the areas to be preserved as wetlands and used to build a system of streets and roads and other infrastructure improvements within the Park, and certain infrastructure improvements, it being contemplated that the IDA would issue its revenue bonds (the "IDA Revenue Bonds") in a principal amount of not to exceed \$20 million, including costs of issuance of the financing, and (c) to provide that, as security for the payment of the debt service on the IDA Revenue Bonds, the County would agree to make payments on behalf of the IDA on a

periodic basis in accordance with the provisions of the Amended and Restated Development Agreement in an amount equal to the debt service on the IDA Revenue Bonds, the agreement of the County with respect to such payments to be more fully specified in the trust indenture or agreement and related documents providing for the issuance and security for the IDA Revenue Bonds, such payments by the County to be subject to annual appropriation by the Board of Supervisors; *provided, however, that* (i) the IDA Revenue Bonds shall not mature later than thirty (30) years after their date, (ii) the true interest cost for the IDA Revenue Bonds shall not be greater than eight percent (8.00%) and (iii) the premium, if any, payable upon the redemption of the IDA Revenue Bonds shall not be greater than (3.00%). The County Administrator is hereby authorized to execute and deliver the Amended and Restated Development Agreement in such form as shall be consistent with the provisions of this Section 2 and as shall be approved by counsel to the County (including the County Attorney or Bond Counsel to the County), such approval to be evidenced by the execution of the Amended and Restated Development Agreement by the County Administrator.

SECTION 3. Approval of Amendment to Other Existing Option Agreements and Support Agreement for the Acquisition of the Coons Parcel. The Board of Supervisors hereby approves the amendment of the other existing option agreements by and between the IDA and the owners of various parcels within the area encompassed by the proposed Meadowville Technology Park and a support agreement by and between the County and the IDA in connection with the acquisition of the Coons parcel by the IDA. The County Administrator is hereby authorized to execute and deliver a support agreement by and between the County and the IDA in connection with the acquisition of the Coons parcel by the IDA in such form as shall be consistent with the provisions of this Section 3 and as shall be approved by counsel to the County (including the County Attorney or Bond Counsel to the County), such approval to be evidenced by the execution of the support agreement by the County Administrator.

SECTION 4. Approval of Preparation and Execution and Delivery of Disclosure and Other Documents for Use by the IDA in Connection with the Authorization, Issuance, Sale and Delivery of and Security For the IDA Revenue Bonds. The Board of Supervisors hereby approves the preparation and execution on behalf of the County by the County Administrator or other officials of the County of disclosure and other documents for use by the IDA in connection with the authorization, issuance, sale and delivery of and security for the IDA Revenue Bonds in such form as shall be consistent with the provisions of this resolution and as shall be approved by counsel to the County (including the County Attorney or Bond Counsel to the County), such approval to be conclusively evidenced by the execution thereof by the County Administrator or other officials of the County.

SECTION 5. Further Action. The County Administrator or any Deputy County Administrator, the County Attorney, the Director of Budget and Management, the Director of Accounting, the County Treasurer and the Clerk of the Board of Supervisors, or any of them, are hereby authorized to take all such further action as they, or any of them, shall deem to be necessary and desirable to carry out the purposes of

and to consummate the transactions contemplated by this resolution.

SECTION 6. Invalidity of Sections, Paragraphs, Clauses or Provisions. If any section, paragraph, clause or provision of this resolution shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this resolution.

SECTION 7. Headings of Sections. The headings of the sections of this resolution shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections or of this resolution.

SECTION 8. Effective Date. This resolution shall take effect upon its adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.1.f. RECOGNIZING MISS ANNA MARGARET YOKE UPON ATTAINING THE GOLD AWARD**

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Girl Scouts of the United States of America is an organization serving over 2.6 million girls and was founded to promote citizenship training and personal development; and

WHEREAS, after earning four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and designing and implementing a Girl Scout Gold Award project; and

WHEREAS, the Gold Award is the highest achievement award in Girl Scouting and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development; and

WHEREAS, the Girl Scout Award can only be earned by girls aged 14-17 or in grades 9-12 and is received by less than six percent of those individuals entering the Girl Scouting movement; and

WHEREAS, Miss Anna Margaret Yoke, Troop 794, has accomplished these high standards and has been honored with the Girl Scouts of America Gold Award by the Commonwealth Girl Scout Council of Virginia; and

WHEREAS, growing through her experiences in Girl Scouting, learning the lessons of responsible citizenship, and priding herself on the great accomplishments of her country, Anna is indeed a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15<sup>th</sup> day of December 2004,

recognizes Miss Anna Margaret Yoke, extends congratulations on her attainment of the Gold Award and acknowledges the good fortune of the county to have such an outstanding young woman as one of its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.1.g. RECOGNIZING MS. ROSA KEARNS-SMITH, CHESTERFIELD COUNTY PUBLIC LIBRARY, UPON HER RETIREMENT**

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Ms. Rosa Kearns-Smith retired from the Chesterfield County Public Library after 27 years of service, starting as children's librarian in July of 1977 and supervising the Ettrick-Matoaca Branch Library for the past 25 years; and

WHEREAS, Ms. Kearns-Smith diligently supported the Library's mission of bringing people and information together by providing consistent excellence in customer service and quality programs; and

WHEREAS, Ms. Kearns-Smith promoted literacy in the Ettrick and Matoaca communities by cooperatively initiating an adult literacy program in connection with the Tri-City Literacy Council which continues to serve the community through the READ Center; and

WHEREAS, Ms. Kearns-Smith organized several Ettrick Community Day events at the library including her NACo award winning *Night of the Arts* program, which promoted library use and community awareness.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Ms. Rosa Kearns-Smith, expresses the appreciation of all residents for her service to the Public Library, and extends appreciation for her dedicated service and congratulations upon her retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Ms. Kearns-Smith and that this resolution be permanently recorded among the papers of the Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.2. AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR CONSTRUCTION OF A NEW SOCCER FIELD AT THE HARRY G. DANIEL PARK**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to execute a construction contract with Farmville Excavation in the amount of \$158,000 for the work at Harry G. Daniel Park at Iron Bridge, to construct a new soccer field number 20.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

8.C.3. STATE ROAD ACCEPTANCE

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways:      Addition

**Basis for Change:**                      **Addition, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Windy Creek, Section A**

●                      **Windy Creek Circle, State Route Number: 5814**

From:                      Dortonway Dr., (Rt. 2767)

To:                      Windy Creek Ct., (Rt. 5815), a distance of: 0.11 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

●                      **Windy Creek Circle, State Route Number: 5814**

From:                      Windy Creek Ct., (Rt. 5815)

To:                      Windy Creek Wy., (Rt. 5816), a distance of: 0.05 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

●                      **Windy Creek Circle, State Route Number: 5814**

From:                      Windy Creek Wy., (Rt. 5816)

To:                      Windy Creek Dr., (Rt. 5813), a distance of: 0.06 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

●                      **Windy Creek Court, State Route Number: 5815**

From:                      Windy Creek Cr., (Rt. 5814)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

● **Windy Creek Drive, State Route Number: 5813**

From: Windy Creek Cr., (Rt. 5814)

To: Dortonway Dr., (Rt. 2767), a distance of: 0.05 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

● **Windy Creek Drive, State Route Number: 5813**

From: Dortonway Dr., (Rt. 2767)

To: Windy Creek Pl., (Rt. 5812), a distance of: 0.05 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

● **Windy Creek Place, State Route Number: 5812**

From: Windy Creek Dr., (Rt. 5813)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

● **Windy Creek Place, State Route Number: 5812**

From: Windy Creek Dr., (Rt. 5813)

To: Cul-de-sac, a distance of: 0.02 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

● **Windy Creek Way, State Route Number: 5816**

From: Windy Creek Cr., (Rt. 5814)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 2/17/2004 with the Office Of Clerk To Circuit Court in Pb. 141; Pg. 16,  
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:**      **Addition**

**Basis for Change:**                      **Addition, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Hampton Park, Section 18**

●                      **Hampton Valley Circle, State Route Number: 5773**

From:                      Hampton Valley Dr., (Rt. 5689)

To:                              Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 11/12/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg. 25,  
with a width of 40 Ft.

●                      **Hampton Valley Drive, State Route Number: 5689**

From:                      0.01 Mi. S of Hampton Valley Tr., (Rt. 5692)

To:                              Hampton Valley Tn., (Rt. 5771), a distance of: 0.05 miles.

Right-of-way record was filed on 11/12/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg. 25,  
with a width of 40 Ft.

●                      **Hampton Valley Drive, State Route Number: 5689**

From:                      Hampton Valley Tn., (Rt. 5771)

To:                              Hampton Valley Mw., (Rt. 5772), a distance of: 0.13 miles.

Right-of-way record was filed on 11/12/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg. 25,  
with a width of 40 Ft.

●                      **Hampton Valley Drive, State Route Number: 5689**

From:                      Hampton Valley Mw., (Rt. 5772)

To:                              0.04 Mi. S of Hampton Valley Mw., (Rt. 5772), a distance of: 0.04 miles.

Right-of-way record was filed on 11/12/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg. 25,  
with a width of 40 Ft.

●                      **Hampton Valley Mews, State Route Number: 5772**

From:                      Hampton Valley Dr., (Rt. 5689)

To:                              Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 11/12/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg. 25,  
with a width of 40 Ft.

●                      **Hampton Valley Turn, State Route Number: 5771**

From:                      Hampton Valley Dr., (Rt. 5689)

To:                              Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 11/12/2002 with the Office Of Clerk To Circuit Court in Pb. 130; pg. 25,

with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      **Addition, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Second Branch, Section 4**

●                      **Balta Court, State Route Number: 5818**

From:                      Balta Rd., (Rt. 4609)

To:                              Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 8/17/2000 with the Office Of Clerk To Circuit Court in Pb. 112; Pg 41,

with a width of 50 Ft.

●                      **Balta Road, State Route Number: 4609**

From:                      0.01 Mi. S of Devette Dr., (Rt. 5236)

To:                              Janeka Dr., (Rt. 5817), a distance of: 0.06 miles.

Right-of-way record was filed on 8/17/2000 with the Office Of Clerk To Circuit Court in Pb. 112; Pg 41,

with a width of 50 Ft.

●                      **Balta Road, State Route Number: 4609**

From:                      Janeka Dr., (Rt. 5817)

To:                              Marek Dr., (Rt. 5819), a distance of: 0.14 miles.

Right-of-way record was filed on 8/17/2000 with the Office Of Clerk To Circuit Court in Pb. 112; Pg 41,

with a width of 50 Ft.

●                      **Balta Road, State Route Number: 4609**

From:                      Marek Dr., (Rt. 5819)



To: 0.09 Mi. E of Marek Dr., (Rt. 5819), a distance of: 0.09 miles.

Right-of-way record was filed on 8/17/2000 with the Office Of Clerk To Circuit Court in Pb. 112; Pg 41,  
with a width of 50 Ft.

● **Hulsey Drive, State Route Number: 5820**

From: Marek Dr., (Rt. 5819)

To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 8/17/2000 with the Office Of Clerk To Circuit Court in Pb. 112; Pg 41,  
with a width of 50 Ft.

● **Janeke Drive, State Route Number: 5817**

From: Balta Rd., (Rt. 4609)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 8/17/2000 with the Office Of Clerk To Circuit Court in Pb. 112; Pg 41,  
with a width of 50 Ft.

● **Marek Drive, State Route Number: 5819**

From: Balta Rd., (Rt. 4609)

To: Hulsey Dr., (Rt. 5820), a distance of: 0.11 miles.

Right-of-way record was filed on 8/17/2000 with the Office Of Clerk To Circuit Court in Pb. 112; Pg 41,  
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways:      Addition

Basis for Change:              Addition, New subdivision street

Statutory Reference:          §33.1-229

Project:              Summer Lake, Section 2

●                   **Kipper Drive, State Route Number: 5829**

From:                   Summer Lake Dr., (Rt. 5828)  
To:                     Kipper Tn., (Rt. 5830), a distance of: 0.03 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg. 50,  
with a width of 40 Ft.

●                   **Kipper Drive, State Route Number: 5829**

From:                   Kipper Tn., (Rt. 5830)  
To:                     Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 40 Ft.

●                   **Kipper Turn, State Route Number: 5830**

From:                   Kipper Dr., (Rt. 5829)  
To:                     0.05 Mi. E of Kipper Dr., (Rt. 5829), a distance of: 0.05 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 40 Ft.

●                   **Kipper Turn (Loop), State Route Number: 5830**

From:                   0.05 Mi. E of Kipper Dr., (Rt. 5829)  
To:                     0.05 Mi. E of Kipper Dr., (Rt. 5830), a distance of: 0.13 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 195 Ft.

●                   **Summer Lake Circle, State Route Number: 5827**

From:                   Summer Lake Dr., (Rt. 5828)  
To:                     0.04 Mi. W of Summer Lake Dr., (Rt. 5828), a distance of: 0.04 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 40 Ft.

●                   **Summer Lake Circle (Loop), State Route Number: 5827**

From:                   0.04 Mi. W of Summer Lake Dr., (Rt. 5828)  
To:                     0.04 Mi. W of Summer Lake Dr., (Rt. 5828), a distance of: 0.13 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 200 Ft.

●                   **Summer Lake Drive, State Route Number: 5828**

From:                   Jaydee Dr., (Rt. 5664)  
To:                     Summer Lake Tn., (Rt. 5831), a distance of: 0.08 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 50 Ft.

●                   **Summer Lake Drive, State Route Number: 5828**

From:                   Summer Lake Tn., (Rt. 5831)  
To:                     0.02 Mi. S of Summer Lake Tn., (Rt. 5828), a distance of: 0.02 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 50 Ft.

●                   **Summer Lake Drive, State Route Number: 5828**

From:                   Summer Lake Tn., (Rt. 5831)  
  
To:                       Kipper Dr., (Rt. 5829), a distance of: 0.05 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 50 Ft.

●                   **Summer Lake Drive, State Route Number: 5828**

From:                   Kipper Dr., (Rt. 5829)  
  
To:                       Summer Lake Mw., (Rt. 5832), a distance of: 0.06 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 50 Ft.

●                   **Summer Lake Drive, State Route Number: 5828**

From:                   Summer Lake Mw., (Rt. 5832)  
  
To:                       Otterdale Rd., (Rt. 667), a distance of: 0.09 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 80 Ft.

●                   **Summer Lake Mews, State Route Number: 5832**

From:                   Summer Lake Dr., (Rt. 5828)  
  
To:                       0.05 Mi. N of Summer Lake Dr., (Rt. 5828), a distance of: 0.05 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 40 Ft.

●                   **Summer Lake Mews (Loop), State Route Number: 5832**

From:                   0.05 Mi. N of Summer Lake Dr., (Rt. 5828)  
  
To:                       0.05 Mi. N of Summer Lake Dr., (Rt. 5828), a distance of: 0.07 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 130 Ft.

●                   **Summer Lake Turn, State Route Number: 5831**

From:                   Summer Lake Dr., (Rt. 5828)  
  
To:                       Summer Lake Dr., (Rt. 5828), a distance of: 0.05 miles.

Right-of-way record was filed on 11/22/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg.50,  
with a width of 195 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision

Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways:      Addition

**Basis for Change:**                      **Addition, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Summer Lake, Section 3**

●                      **Jaydee Court, State Route Number: 5825**

From:                      Jaydee Dr., (Rt. 5664)

To:                              Cul-de-sac, a distance of: 0.22 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of The Clerk in Pb.138; Pg.12,  
with a width of 40 Ft.

●                      **Jaydee Drive, State Route Number: 5664**

From:                      0.06 Mi. SW of Jaydee Pl., (Rt. 5665)

To:                              Jaydee Ct., (Rt. 5825), a distance of: 0.02 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of The Clerk in Pb.138; Pg.12,  
with a width of 44 Ft.

●                      **Jaydee Drive, State Route Number: 5664**

From:                      Jaydee Tr., (Rt. 5826)

To:                              0.09 Mi. W of Jaydee Tr., (Rt. 5826), a distance of: 0.09 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of Clerk To Circuit Court in Pb.138; Pg.12,  
with a width of 44 Ft.

●                      **Jaydee Drive, State Route Number: 5664**

From:                      Jaydee Ct., (Rt. 5825)

To:                              Jaydee Tr., (Rt. 5826), a distance of: 0.06 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of Clerk To Circuit Court in Pb.138; Pg.12,  
with a width of 44 Ft.

●                      **Jaydee Terrace, State Route Number: 5826**

From:                      Jaydee Dr., (Rt. 5664)

To:                              Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 10/17/2003 with the Office Of Clerk To Circuit Court in Pb.138; Pg.12,

with a width of 40 Ft.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.4. AWARD OF CONTRACTS**

**8.C.4.a. TO NEW MILLENIA LLC FOR CONSULTING SERVICES FOR THE  
NEW INTEGRATED FINANCIAL AND HUMAN RESOURCES/  
PAYROLL INFORMATION SYSTEM**

On motion of Mr. Warren, seconded by Mr. King, the Board approved the award of a contract to New Millenia LLC, in an amount not to exceed \$300,000, for the new integrated financial and human resources/payroll information system, and authorized the County Administrator to execute the necessary agreement for consulting services.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.4.b. TO DANIEL AND COMPANY, INCORPORATED FOR THE  
CONSTRUCTION OF THE POLICE EVIDENCE AND PROPERTY  
STORAGE BUILDING**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to execute a contract with Daniel and Company, Incorporated in the amount of \$2,644,000 and authorized the reallocation of funds within the Capital Improvement Program for the construction of the Police Evidence and Property Storage Building.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.5. REQUESTS TO QUITCLAIM**

**8.C.5.a. PORTIONS OF A SIXTEEN-FOOT AND TWENTY-FOOT DRAINAGE  
EASEMENT (PUBLIC) AND A SIXTEEN-FOOT WATER EASEMENT  
ACROSS THE PROPERTY OF LEE SCOTT, MANAGING TRUSTEE  
FOR SAM'S REAL ESTATE BUSINESS TRUST**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of a 16-foot and 20-foot drainage easement (public) and a 16-foot water easement across the property of Lee Scott, Managing Trustee for Sam's Real Estate Business Trust. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.5.b. PORTIONS OF SIXTEEN-FOOT WATER EASEMENTS, A SIXTEEN-FOOT SEWER EASEMENT, A VARIABLE WIDTH DRAINAGE EASEMENT, AND A VARIABLE WIDTH VIRGINIA DEPARTMENT OF TRANSPORTATION SIGHT DISTANCE EASEMENT ACROSS THE PROPERTY OF LEE SCOTT, MANAGING TRUSTEE FOR WAL-MART REAL ESTATE BUSINESS TRUST**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of 16-foot water easements, a 16-foot sewer easement, a variable width drainage easement, and a variable width Virginia Department of Transportation sight distance easement across the property of Lee Scott, Managing Trustee for Wal-Mart Real Estate Business Trust. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.5.c. A SIXTEEN-FOOT AND VARIABLE WIDTH WATER EASEMENT, A TWENTY-FOOT STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE ACCESS EASEMENT AND A STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE EASEMENT ACROSS THE PROPERTY OF IRENE W. CARNES AND JOSEPH E. JACKSON**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 16-foot and variable width water easement, a 20-foot storm water management system/best management practice access easement and a storm water management system/best management practice easement across the property of Irene W. Carnes and Joseph E. Jackson. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.7. REQUESTS FOR PERMISSION**

**8.C.7.a. FROM KAMRAN AND ANA RAIKA FOR A GRAVEL DUST AND MULCH RAMP TO ENCROACH WITHIN A VARIABLE WIDTH DRAINAGE EASEMENT (PRIVATE) AND A VARIABLE WIDTH STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE EASEMENT ACROSS LOT 4, WATERVIEWS AT THE RESERVOIR**

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Kamran Raika and Ana Raika for permission for a gravel dust and mulch ramp to encroach within a variable width drainage easement (private) and a variable width storm water management system/best management practice maintenance agreement across Lot 4, Waterviews At The Reservoir, subject to the execution of a license agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.7.b. FROM KIN YAN WONG AND RONG SHENG HUANG FOR AN EXISTING FENCE TO ENCROACH WITHIN A TWENTY-FOOT SEWER AND WATER EASEMENT, AN EIGHT-FOOT EASEMENT, A VARIABLE WIDTH SEWER AND WATER EASEMENT AND A STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE EASEMENT ACROSS LOT 13, MEADOWBROOK FARM, SECTION F**

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Kin Yan Wong and Rong Sheng Huang for permission for an existing fence to encroach within a 20-foot sewer and water easement, an eight-foot easement, a variable width sewer and water easement and a storm water management system/best management practice easement across Lot 13, Meadowbrook Farm, Section F, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.7.c. FROM CENTRALIA LEASING, LLC TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON CELEBRATION AVENUE**

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Centralia Leasing, LLC for permission to install a private sewer service within a private easement to serve property at 4125 Celebration Avenue, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.7.d. FROM DUDLEY C. AND JEANNIE W. DUNCAN FOR AN EXISTING PRIVATE DRAINAGE PIPE TO ENCROACH WITHIN A VARIABLE WIDTH DRAINAGE EASEMENT (PRIVATE) ACROSS LOT 1, WATERVIEWS AT THE RESERVOIR**

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Dudley C. Duncan and Jeannie W. Duncan for permission for an existing private drainage pipe to encroach within a variable width drainage easement (private) across Lot 1, Waterviews At The Reservoir, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.7.e. FROM BACHIR AND GHADA JAMIL FOR A DRIVEWAY AND MASONRY COLUMNS TO ENCROACH WITHIN A FIFTY-FOOT COUNTY UNIMPROVED RIGHT OF WAY**

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Bachir Jamil and Ghada Jamil for permission for a driveway and nine four-foot masonry columns to encroach within a 50-foot county unimproved right of way, subject to the execution of a license agreement. (It is

noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.8. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR UNDERGROUND CABLE TO SERVE THE NEW ADDITION TO GREENFIELD ELEMENTARY SCHOOL**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to serve the new addition to Greenfield Elementary School. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.9. DESIGNATION OF RIGHT OF WAY AND VIRGINIA DEPARTMENT OF TRANSPORTATION SLOPE AND DRAINAGE EASEMENTS FOR THE NEW COSBY ROAD HIGH SCHOOL**

On motion of Mr. Warren, seconded by Mr. King, the Board designated right of way and Virginia Department of Transportation slope and drainage easements for the new Cobsy Road High School, and authorized the County Administrator to execute the Declaration. (It is noted a copy of the plats are filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.10. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE CLOVER HILL DISTRICT IMPROVEMENT FUND TO THE CHESTERFIELD COUNTY DEPARTMENT OF ENVIRONMENTAL ENGINEERING FOR STORM DAMAGE RESTORATION AT THE COUNTY-OWNED POND CALLED LAKE GEORGE**

On motion of Mr. Warren, seconded by Mr. King, the Board transferred \$10,000 from the Clover Hill District Improvement Fund to the Chesterfield County Department of Environmental Engineering for storm damage restoration to the county-owned pond called Lake George.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.11. TRANSFER OF FUNDS**

**8.C.11.a. FOR ROUTE 360 WIDENING (SWIFT CREEK - WINTERPOCK ROAD) AND ROUTE 10 WIDENING (I-95 - WARE BOTTOM SPRING ROAD) BOND REFERENDUM PROJECTS; AND APPROPRIATION OF ROAD CASH PROFFERS FOR ROUTE 10 WIDENING**

On motion of Mr. Warren, seconded by Mr. King, the Board transferred \$400,000 from the General Road Improvement Account for the Route 360 widening project (Swift Creek -



Winterpock Road) engineering; transferred \$95,000 from the General Road Improvement Account and appropriated \$305,000 from road cash proffers (Case 94SN0197) for the Route 10 widening project (I-95 - Ware Bottom Springs Road); reimbursed the General Road Improvement Account transfers upon the sale of the road bonds; and authorized the County Administrator to enter into the necessary county/Virginia Department of Transportation/consultant/contractor, design, right-of-way acquisition, environmental permits, and/or construction agreements, acceptable to the County Attorney, for the projects.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.11.b. FOR THE ROUTE 360 WESTBOUND WIDENING PROJECT**

On motion of Mr. Warren, seconded by Mr. King, the Board transferred \$600,000 from the Powhite Parkway Extension Greensprings account to the Route 360 westbound widening project, and authorized the County Administrator to execute a second Virginia Department of Transportation/county Westbound Widening Reimbursement Agreement, acceptable to the County Attorney, which provides for a conditional reimbursement to the county for the \$600,000 advancement.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.12. SET A PUBLIC HEARING TO CONSIDER THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) THROUGH THE HAZARD MITIGATION GRANT PROGRAM (HMGP)**

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of January 12, 2004 at 7:00 p.m. for a public hearing for the Board to consider the receipt and appropriation of \$762,077 in federal and state grant funds from the Federal Emergency Management Agency through the Hazard Mitigation Grant Program, and to approve the appropriation of in-kind local match funds in the amount of \$39,231.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.13. ACCEPTANCE OF OPEN SPACE EASEMENTS**

On motion of Mr. Warren, seconded by Mr. King, the Board accepted open space easements as shown on maps filed with the papers of this Board, and authorized the County Administrator to execute the easement agreements.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**8.C.14. ACCEPTANCE OF A SIXTY-FOOT RIGHT OF WAY FOR ACCESS TO EPPINGTON**

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of a 60-foot right of way for access

to Eppington, and authorized the County Administrator to execute the deeds. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
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SAINT JAMES WOODS, SECTION L

Bantry Drive (Route 5647) - From 0.02 mile south of Explorer Drive (Route 3998) to Westbury Knoll Lane (Route 3979)	0.05 Mi.
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Bantry Drive (Route 5647) - From Westbury Knoll Lane (Route 3979) to 0.04 mile south of Westbury Knoll Lane (Route 3979)	0.04 Mi.
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Westbury Bluff Drive (Route 3978) - From 0.01 mile south of Westbury Knoll Lane (Route 3979) to Cul-de-sac	0.04 Mi.
--	----------

Westbury Knoll Lane (Route 3979) - From 0.01 mile east of Westbury Bluff Drive (Route 3978) to Bantry Drive (Route 5647)	0.08 Mi.
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Westbury Knoll Lane (Route 3979) - From Bantry Drive (Route 5647) to Cul-de-sac	0.03 Mi.
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STONEY GLEN SOUTH, SECTION 3

Claybon Lane (Route 5669) - From 0.04 mile east of Woodleigh Drive (Route 5668) to Claybon Terrace (Route 5769)	0.03 Mi.
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Claybon Lane (Route 5669) - From Claybon Terrace (Route 5769) to Cul-de-sac	0.11 Mi.
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Claybon Terrace (Route 5769) - From Claybon  
Lane (Route 5669) to Cul-de-sac

0.11 Mi.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

11. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(1),  
CODE OF VIRGINIA, 1950, AS AMENDED, RELATING TO THE  
PERFORMANCE OF A SPECIFIC EMPLOYEE OF THE COUNTY AND  
PURSUANT TO SECTION 2.2-3711(A)(3), TO DISCUSS WITH  
LEGAL COUNSEL THE ACQUISITION OF REAL ESTATE FOR A  
PUBLIC PURPOSE WHERE DISCUSSION IN AN OPEN MEETING  
WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR  
NEGOTIATING STRATEGY OF THE PUBLIC BODY

On motion of Mr. Barber, seconded by Mr. King, the Board went into a Closed Session pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as amended, relating to the performance of a specific employee of the county and pursuant to Section 2.2-3711(A)(3), to discuss with legal counsel the acquisition of real estate for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Reconvening:

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.  
Mr. King: Aye.  
Mrs. Humphrey: Aye.  
Mr. Barber: Aye.  
Mr. Miller: Aye.

**8.C.6. APPROVAL OF THE PURCHASE OF TWO PARCELS OF LAND FOR GENITO ROAD HIGH SCHOOL**

On motion of Mr. Warren, seconded by Mr. Barber, the Board approved the purchase of a parcel of land containing 68.333 acres, more or less, for \$5,808,305, from Genito Partnership I, and a parcel of land containing 12.352 acres, more or less, for \$248,892.80, from Old Hundred Mill, Incorporated, for Genito Road High School, and authorized the County Administrator to execute the deeds. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**12. DINNER**

On motion of Mr. Barber, seconded by Mr. King, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

**13. INVOCATION**

Pastor Murray Davis, Emmaus Community Church, led the invocation.

**14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Eagle Scout Jonathan Yoke led the Pledge of Allegiance to the flag of the United States of America.

**15. RESOLUTIONS AND SPECIAL RECOGNITIONS**

**15.B. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT**

**15.B.1. JONATHAN YOKE, MATOACA DISTRICT**

**15.B.2. MATTHEW DEANE, MIDLOTHIAN DISTRICT**

**15.B.3. JOHN HUGHES III, MIDLOTHIAN DISTRICT**

Mr. Hammer introduced Mr. Jonathan Yoke, Mr. Matthew Deane and Mr. John Hughes who were present to receive resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to their community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law

Mr. John Lawrence Hughes III and Mr. Matthew Talbert Deane, Troop 800, sponsored by Bethel Baptist Church; and Mr. Jonathan Henry Yoke, Troop 806, sponsored by Woodlake United Methodist Church, have accomplished those high standards of commitment and have reached the long-sought goal of Eagle Scout which is received by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through their experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare themselves for roles as leaders in society, John Matthew and Jonathan have distinguished themselves as members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15<sup>th</sup> day of December 2004, hereby extends its congratulations to Mr. John Lawrence Hughes III, Mr. Matthew Talbert Deane and Mr. Jonathan Henry Yoke, and acknowledges the good fortune of the county to have such outstanding young men as its citizens.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolutions to Mr. Hughes, Mr. Deane and Mr. Yoke, accompanied by members of their family, congratulated them on their outstanding achievement, and wished them well in their future endeavors.

Mr. Barber presented Eagle Scout patches to Mr. Hughes, Mr. Deane and Mr. Yoke and congratulated them on their accomplishments.

Mr. Hughes expressed appreciation to God, Bethel Baptist Church, his parents and others for their support.

Mr. Dean expressed appreciation to God, his parents and troop leader for their support.

Mr. Yoke expressed appreciation to God, his parents, members of his troop and scoutmaster for their support.

**15.C. RECOGNIZING MS. MEREDITH BONNY FOR OUTSTANDING MEDIA COVERAGE OF CHESTERFIELD COUNTY**

On motion of the Board, the following resolution was adopted:

WHEREAS, Ms. Meredith Bonny has covered Chesterfield County government for the past five years as a reporter for the Richmond Times-Dispatch newspaper; and

WHEREAS, this is an unusually long tenure for a reporter in this region; and

WHEREAS, during that time, Ms. Bonny has researched and written about a wide variety of Chesterfield County and regional topics, and has been the most prolific writer about Chesterfield County issues; and

WHEREAS, her articles have included coverage of many significant events, such as Hurricane Isabel and Chesterfield County's actions taken to deal with this storm, which was the worst natural disaster to strike Central Virginia in recent memory; and

WHEREAS, Ms. Bonny also wrote about Tropical Storm Gaston and the dramatic and deadly flooding that it brought to the region, as well as about droughts that beset the county in other years; and

WHEREAS, her articles have also covered such diverse topics as residential growth; a multitude of planning and zoning matters; bond referendum information; the Rayon Park community; redevelopment of the Cloverleaf Mall; the county's efforts to protect the environment and drinking water supplies; and issues of particular interest to seniors; and

WHEREAS, Ms. Bonny underwent training by the Chesterfield County Department of Fire and Emergency Medical Services in order to gain insights into that department before writing a series of articles about its mission; and

WHEREAS, Ms. Bonny also went to Afghanistan to cover U. S. operations there, telling the story of Richmond-area military personnel serving in that theater of operations; and

WHEREAS, Ms. Bonny attended and reported on a large number of special events such as ribbon-cuttings of new businesses, roads and facilities in Chesterfield County; and

WHEREAS, Ms. Bonny devoted many hours, including attending many Planning Commission and Board of Supervisors meetings lasting well into the night, in order to gather information for her articles; and

WHEREAS, Ms. Bonny's articles have helped to keep Richmond Times-Dispatch readers apprised of many county programs and services, as well as about matters being deliberated by the Planning Commission and the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 15<sup>th</sup> day of December 2004, publicly recognizes Ms. Meredith Bonny's long professional association with Chesterfield County, thanks her for helping to share information about Chesterfield County with Metro Richmond-area residents, and wishes her success in her future endeavors as she is reassigned to cover Henrico County government in the upcoming year.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Ms. Bonny, accompanied by Mr. Ramsey, and both he and Mr. Ramsey expressed appreciation for the excellent media coverage she provided to Chesterfield County.

Ms. Bonny expressed appreciation to the Board for the recognition and to staff for their patience with her. She stated she has enjoyed covering the county.

**16. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:**  
**- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION**  
**- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18**

**04SN0273**

In Dale Magisterial District, KAHN PROPERTIES SOUTH LLC requests amendment to Conditional Use Planned Development (Case 97SN0165) and amendment of zoning district map relative to access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Neighborhood Business (C-2) District on 3.0 acres fronting approximately 385 feet on the east line of Iron Bridge Road, also fronting approximately 135 feet on the north line of Centralia Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 772-661-8240 and 773-661-0235 (Sheet 25).

Mr. Turner stated the applicant has requested a deferral until March 9, 2005.

Mrs. Gloria Frye, representing the applicant, requested a deferral until March 9, 2005.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Barber, the Board deferred Case 04SN0273 until March 9, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**04SN0269**

In Clover Hill Magisterial District, STAR LLC requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12) and (R-15). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District and up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 dwelling units per acre. This request lies on 80.5 acres fronting approximately 1,880 feet on the east line of Claypoint Road across from Misty

Spring Drive, also fronting approximately 210 feet on the west line of Alberta Road approximately 295 feet south of Carol Anne Road and at the southern terminus of Parrish Creek Lane. Tax IDs 742-675-9499, 743-675-1820 and 744-676-3373 (Sheet 16).

Mr. Turner presented a summary of Case 04SN0269 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 04SN0269 and accepted the following proffered conditions:

1. Public water shall be used. (U)
2. Public wastewater shall be used. In the event that gravity sewer cannot be achieved on a portion of this property, septic systems shall be permitted and shall comply with Ordinance standards for residential lots with septic systems. The maximum number of septic lots shall not exceed twelve (12) lots. (U & H)
3. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
  - A. 11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
  - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. All dwelling units shall have a minimum gross floor area of 2000 square feet. (P)
6. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)



7. A maximum of one hundred seventy (170) lots shall be permitted on the property. (P)
8. Direct access from the property to Claypoint Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
9. In conjunction with recordation of the initial subdivision plat, forty five (45) feet of right-of-way on the east side of Claypoint Road, measured from the centerline of that part of Claypoint Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
10. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
  - a. Construction of additional pavement along Claypoint Road at the approved access to provide a right and left turn lanes, if warranted, based on Transportation Department standards;
  - b. Widening/improving the east side of Claypoint Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inch of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire property frontage; and
  - c. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
11. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 10 above, shall be submitted to and approved by the Transportation Department. (T)
12. There shall be no street connection from Claypoint Road, cross the creek, to Alberta Road. (T)
13. The subdivision development(s) located on the property shall not incorporate the names "Parrish Branch", "Stanwick" or "Swift Creek Crossing" in their recorded subdivision name(s). (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**04SN0319**

In Clover Hill Magisterial District, R. C. WHEELER CONSTRUCTION requests rezoning and amendment of zoning

district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 6.8 acres fronting approximately 260 feet on the west line of South Providence Road, approximately 790 feet north of Scottingham Drive. Tax IDs 758-702-2534 and 7625 (Sheet 7).

Mr. Turner presented a summary of Case 04SN0319 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. David Barthol, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved Case 04SN0319 and accepted the following proffered conditions:

1. The public water and wastewater system shall be used.  
(U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
  - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
  - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - C. In the event the cash payment is not used for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Direct access from the property to Providence Road shall be limited to the existing driveway that serves the property identified as Tax ID 758-702-7625 and one (1) public road. The exact location of this public road shall be determined by the Transportation Department.  
(T)
4. In conjunction with recordation of the initial subdivision plat, forty five (45) feet of right-of-way along the western line of Providence Road, measured from the centerline of that part of Providence Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

5. Prior to the issuance of an occupancy permit, the developer shall be responsible for the following improvements: 1) construction of additional pavement along South Providence Road at the approved access point to provide a right turn lane, and 2) widening/improving the west side of South Providence Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with any modifications approved by the Transportation Department, for the entire property frontage. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County any additional right-of-way (or easements) required for these improvements. (T)
6. Development shall be limited to a maximum of 13 lots. (P)
7. The overall average lot size shall be a minimum of 16,000 square feet. (P)
8. Dwelling units shall have a minimum gross floor area of 1,800 square feet. (P & BI)
9. The tentative subdivision plan shall be considered by the Planning Commission for the purpose of evaluating the location of roads and the mitigation of the impact of such roads on the adjacent properties to the north. (P)
10. All exposed portions of the foundation, and exposed piers supporting front porches shall be faced with brick veneer. (P)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### **04SN0329**

In Bermuda Magisterial District, KATHRYN C. FRATARCANGELO, ET AL requests rezoning and amendment of zoning district map from Community Business (C-3) to Agricultural (A) with Conditional Use to permit Community Business (C-3) uses, plus display sheds, garages, carports and house sales, including "shell" houses sales, plus Conditional Use Planned Development to permit exceptions to Ordinance standards. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 0.6 acre fronting approximately ninety (90) feet on the east line of Jefferson Davis Highway, approximately 280 feet north of Melba Street. Tax ID 795-664-8967 (Sheet 26).

Mr. Turner presented a summary of Case 04SN0329 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Dean Hawkins, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 04SN0329 and accepted the following proffered conditions:

1. Prior to any site plan approval, sixty (60) feet of right-of-way on the east side of U.S. Routes 1 & 301, as measured from the centerline of that part of U.S. Route 1 & 301 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)
2. Uses permitted shall be limited to those or with restrictions in the Community Business (C-3) District, plus the following additional use:

Display sheds, garages, carport and house sales including "shell" houses sales, subject to the following restrictions:

  - a. This use shall be granted for a period not to exceed ten (10) years from the date of approval, shall be limited to use by Melvin Fisher only, and shall not otherwise be transferable nor run with the land.
  - b. No goods shall be produced on the premises for retail sale.
  - c. All display areas, buildings, drives and parking areas shall have a minimum twenty-five (25) foot setback from the ultimate right-of-way from U.S. Routes 1 & 301. Within this setback, landscaping shall be provided in accordance with Zoning Ordinance requirements of Perimeter Landscaping B.
  - d. Compliance with Proffered Condition 3.
  - e. The only improvements permitted shall be the placement of display sheds, garages, carports and shall houses for sale, driveways, parking areas and required landscaping as stated herein; provided that the display sheds, garages, carports and shall houses are self supporting or self contained units without permanent foundations and are capable of easily being moved from the site. (P)
3. Those uses permitted by this Conditional Use shall be developed in accordance with the Zoning Ordinance requirements for the Jefferson Davis Highway Corridor. (P)
4. Direct access from the property to U.S. Route 1 & 301 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. Prior to the construction of this entrance/exit, the existing southernmost entrance/exit on the adjacent property to the north shall be closed, as determined by the Transportation

Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, must be recorded from the approved entrance/exit on U.S. Routes 1 & 301 to the adjacent property to the south. (Tax ID 795-644-8959). (T)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

#### **05SN0104**

In Matoaca Magisterial District, COMMERCIAL LAND DEVELOPMENT requests rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 1.5 acres fronting approximately 370 feet on the north line of Hull Street Road approximately 910 feet east of Cosby Road. Tax IDs 718-671-3035 and 4837 (Sheet 15).

Mr. Turner presented a summary of Case 05SN0104 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of the proffered conditions.

Mr. Chuck Rothenberg, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved Case 05SN0104 subject to the following condition:

The Textual Statement dated July 7, 2004 shall be considered the Master Plan.

And, further, the Board accepted the following proffered conditions:

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. No Loading. There shall be no loading areas between any buildings and the northern property line. (P)

2. Public Utility. The public wastewater system shall be utilized. (U)
3. Transportation.
  - a. Prior to any site plan approval, one hundred (100) feet of right of way on the north side of Route 360 measured from the centerline of that part of the roadway immediately adjacent to the property shall be dedicated free and unrestricted to and for the benefit of Chesterfield County.
  - b. Direct access from the Property to Route 360 shall be limited to one entrance/exit. This entrance/exit shall be designed to permit right turns only. The exact location of this entrance/exit shall be determined by the Transportation Department.
  - c. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
    - i. construction of an additional lane of pavement along Route 360 for the entire property frontage;
    - ii. construction of additional pavement along Route 360 to provide a separate right turn lane at the approved entrance/exit, based on Transportation Department standards; and
    - iii. dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.
  - d. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in condition 3.c., shall be submitted to and approved by the Transportation Department. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

#### **05SN0110**

In Matoaca Magisterial District, GLENN M. HILL requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots suited for R-88 zoning. This request lies on 10.7 acres lying approximately 245 feet off the terminus of Point Landing Court, approximately 370 feet northeast of Hill Creek Drive. Tax ID 740-671-1072 (Sheet 16).

Mr. Turner presented a summary of Case 05SN0110 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Delmonte Lewis, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved Case 05SN0110 and accepted the following proffered conditions:

1. Public water and wastewater systems shall be used. (U)
2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the County of Chesterfield prior to the issuance of building permit:
  - A. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
  - B. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by an increase in the Marshall and Swift building cost index between July 1, 2004 and July 1, of the fiscal year in which the payment is made if paid after June 30, 2005.
  - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B & M)
4. No more than 21 residential lots shall be developed on the subject property. (P)
5. All dwelling units shall have a minimum gross floor area of 1,700 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 2,000 square feet. (P)
6. Minimum lot area shall be 15,000 square feet, the average lot size shall not be less than 17,855 square feet. (P)
7. The developer shall dedicate to and for the benefit of Chesterfield County, free and unrestricted, a thirty (30) foot wide ingress/egress easement along the length of Swift Creek from the eastern to western parcel boundaries. This easement to be located within the limits of the R.P.A of Swift Creek and to be used by the Parks and Recreation Department for the recreational trail. (P& R)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**05SN0114**

In Dale Magisterial District, HULL STREET ROAD LLC requests amendment to zoning (Case 02SN0281) and amendment of zoning district map to permit warehouse use within 200 feet of Hull Street Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in a General Business (C-5) District on 13.4 acres and is known as 10705 Hull Street Road. Tax ID 746-684-6733 (Sheet 10).

Mr. Turner presented a summary of Case 05SN0114 and stated the Planning Commission and staff recommended approval and acceptance of one proffered condition.

Mr. Steve Gray, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mr. King, the Board approved Case 05SN0114 and accepted the following proffered condition:

Within 200 feet of the ultimate right-of-way of Hull Street Road, uses permitted shall be restricted to those permitted by right or with restrictions in the Community Business (C-3) District, except that, in addition, warehouse use limited to self-storage facilities shall be permitted provided that: the self-storage facilities shall be located within the same structure of Community Business (C-3) uses permitted herein; self-storage facilities shall not front on or be oriented towards Hull Street Road; and, loading areas shall face generally to the south.

(NOTE: This Condition supercedes Proffered Condition 1 of Case 02SN0281. All other conditions of Case 02SN0281 remain in force and effect.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**05SN0177**

In Bermuda Magisterial District, GIDEON M. ELLIOTT requests a Manufactured Home Permit to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.13 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 7.01 units per acre or more. This property is known as 2523 Dwight Avenue. Tax ID 792-676-4351 (Sheet 18).

Mr. Turner presented a summary of Case 05SN0177 and stated staff recommends approval for a period of seven years subject to conditions.

Mr. Gideon Elliott stated the recommendation is acceptable.



Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 05SN0177 subject to the following conditions:

1. The applicant, Gideon M. Elliott and his family, shall be the occupant of the manufactured home.
2. Manufactured Home Permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a manufactured home. All manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

#### **05SR0179**

In Bermuda Magisterial District, RAYMOND A. LINK requests renewal of Manufactured Home Permit 97SR0122 to park a manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.33 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 7.01 units per acre or more. This property is known as 2679 Drewry's Bluff Road. Tax ID 789-680-8239 (Sheet 18).

Mr. Turner presented a summary of Case 05SR0179 and stated staff recommended approval for a period of seven years subject to conditions.

Mr. Raymond Link stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 05SR0179 subject to the following conditions:

1. The applicant shall be the owner and occupant of the manufactured home.
2. Manufactured Home Permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a manufactured home site nor shall any manufactured home be used for rental property.
4. No additional permanent-type living space, other than the existing additions, may be added onto the

manufactured home. Use of the existing additions to the manufactured home may be continued during the renewal period; however, such additions may not be enlarged, extended, reconstructed, substituted or structurally altered. The manufactured home shall be skirted but shall not be placed on a permanent foundation.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

#### **04SN0314**

In Bermuda Magisterial District, TASCAN GROUP, INC. requests rezoning and amendment of zoning district map from Neighborhood Business (C-2), Corporate Office (O-2) and Residential Townhouse (R-TH) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 51.8 acres fronting approximately 2,500 feet on the north line of Iron Bridge Road, also fronting approximately 1,200 feet on the east line of Chalkley Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 779-654-Part of 8243; 780-653-Part of 6032 and 7185; 780-654-Part of 0614 and 8207; 781-652-5796; 781-653-0770, 7245 and 9416; and 782-653-0241 (Sheet 26).

Ms. Jane Peterson presented a summary of Case 04SN0314 and stated staff recommends approval subject to the applicant addressing impacts on capital facilities, setbacks from commercial tracts and project focal point. She further stated, although the proposal complies with the Chester Village Plan, the proffered conditions do not adequately address the impact of the development on necessary capital facilities, and the application fails to provide appropriate setbacks from commercial tracts and sufficient amounts of open space. She stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proffered conditions ensure better quality of development than provided under the existing zoning.

Mr. Andy Scherzer, representing the applicant, stated the applicant has proposed a 25-foot setback along the border of the existing C-2 zoning. He further stated there is an agreement with the existing property owners that they would maintain a 25-foot setback on the opposite side of their line at a minimum. He stated the zoning ordinance currently requires at least a 50-foot setback on the commercial side in addition to the 25-foot setback being proposed by the applicant. He further stated the applicant has also proposed to have landscaping incorporated into the 25-foot setback. He noted the community supports the setback agreement between the applicant and the existing property owners. He stated there is a five-acre lake in the midst of the development which will be a visual amenity or focal point in addition to the other two proposed half-acre focal points. He further stated the proposal includes public streets and street trees as well as sidewalks, indicating that the development will be

more oriented towards a single-family look than a townhouse development. He stated the applicant has agreed to pay a full cash proffer for every unit over 106 as well as a partial cash proffer on schools, even though the applicant has a long track record for not generating school aged children. He noted the road impact of the proposed development will generally not occur during peak hours as the Tascon developments have a track record of being retirement communities.

In response to Mr. Miller's question, Mr. Scherzer stated the lake will be maintained by the homeowners' association as well as a minimum of 25 feet by the adjacent property owner.

Discussion ensued relative to enforcement of the buffer agreement by the adjacent property owner.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. King stated the cash proffer policy had been amended to eliminate credits on property zoned for residential purposes unless the new proposal would result in a better quality of development than what could occur under the old zoning. He further stated that in the opinion of the Planning Commission and his analysis of the case, the proposal represents a better quality of development.

In response to Mr. King's question, Ms. Peterson stated, as the C-2 property is developed, the developer may ask for an exception to allow a buffer reduction. She further stated the R-MF applicant would also have to come back before the Commission to request a buffer exception.

Mr. King stated he does not want anything to inhibit the use of C-2 property along Route 10. He expressed concerns that there is nothing to prohibit the adjacent property owners from raising issues regarding requests for buffer reductions. He stated the track record of the applicant indicates there will not be an impact on the schools. He further stated he is pleased that the community supports the proposal.

Mr. King then made a motion, seconded by Mr. Barber, for the Board to approve Case 04SN0314 and accept the following proffered conditions:

1. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated June 3, 2004 and revised October 16, 2004 and prepared by Balzer & Associates, Inc., but the location and size of Tracts A, B and C may be modified provided the tracts generally maintain their relationship with each other and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with provisions of the Zoning Ordinance for Site Plan appeals. (P)
2. Master Plan. The textual statement dated June 3, 2004 and revised on November 16, 2004, shall be considered "The Master Plan". (P)

3. Utilities. Public water and wastewater shall be used.  
(U)
4. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. Drainage and Water Quality.
  - a. A water quality plan, including an assessment of baseline conditions, for protection and monitoring of the water quality of the Chester Fishing Club pond and agreeable to the Chester Fishing Club, that is approved by the Office of Water Quality shall be submitted to the Planning Commission for review and approval prior to or in conjunction with any site plan and/or subdivision plan approval. The intent of the plan is to preserve the existing water quality of the Chester Fishing Club pond.  
(OWQ)
  - b. If this development causes degradation of water quality in the Chester Fishing Club pond, the developers shall provide the necessary remedy to the extent caused by development. The proposed remedy shall be reviewed and approved by the Office of Water Quality.
  - c. The lake in the Ironbridge development was designed using runoff from this project site based on residential development. An analysis must be made of the impact that increased runoff from this project will have on the Ironbridge pond flood levels. If detention is utilized, the maximum permissible release rate for the proposed detention basin shall be such that the capacity of the existing facilities downstream shall not be exceeded and the recorded 100-year flood plain/backwater shall not be increased.
  - d. The existing on-site 5± acre lake must be refurbished to provide a principal spillway capable of conveying the post-development 10-year runoff and an emergency spillway which will pass the 100-year storm or to that performance criteria, approved by the Engineering Department which will contribute to the desired performance of the Chester Fishing Club lake spillway system. The work must be completed before any occupancy permit will be issued.
  - e. The existing lake owned by Chester Fishing Club must be analyzed for any adverse hydrological impact as a result of the new development. The cost of all hydraulic improvements shown to be necessary by the analysis shall be borne by the applicant. The improvements shall be made in accordance with a plan that schedules improvements to be made at such time to prevent the increasing runoff from exceeding the dam's hydraulic capacity.

Any hydraulic improvements shall be designed and certified by a Professional Engineer. (EE)

- f. Prior to the issuance of a land disturbance permit, signs prohibiting use of the Fishing Club Pond by construction workers shall be posted. (EE)

6. Access.

- a. Direct access from the property to Iron Bridge Road (Route 10) shall be limited to one (1) public road. This access shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department.

- b. No direct access shall be provided from the property to Chalkley Road. (T)

7. Dedication. Prior to any final site plan approval or in conjunction with recordation of the initial subdivision plat, whichever occurs first, one-hundred (100) feet of right-of-way on the north side of Route 10, and thirty-five (35) feet of right-of-way on the east side of Chalkley Road, measured from the centerlines of both roadways, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

8. Public Roads. All roads that accommodate general traffic circulation through the development (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)

9. Road Improvements. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:

- a. Construction of an additional lane of pavement along the westbound lanes of Route 10 for the entire property frontage.
- b. Construction of additional pavement along the westbound lanes of Route 10 at the approved access to provide a separate right turn, based on Transportation Department standards
- c. Widening/improving the east side of Chalkley Road to an eleven (11) foot wide travel lane, measured from the centerline of Chalkley Road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete with modifications approved by the Transportation Department, for the entire property frontage.
- d. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is

necessary for any improvement described in 9a, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

10. Phasing. Prior to any construction plan approval or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)
11. Sidewalks. Sidewalks shall be provided generally on both sides of the interior street right of ways and along the property frontage on Route 10. The treatment and location of these sidewalks shall be approved by the Planning and Transportation Departments at the time of site and/or subdivision plan review. (P)
12. Street trees. Street trees shall be planted along each side of the interior roads and common driveways to include entrance roads from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)
13. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518. Landscaping shall be designed to: minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site and/or subdivision plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings.
14. Fencing.
  - a. A decorative "wrought iron-style" fence shall be provided along the boundary of Iron Bridge Road. Decorative brick columns shall be placed at intervals along the fencing on the Iron Bridge Road frontage of the Property and shall not be spaced farther apart than sixty (60) feet on center.
  - b. A six (6) foot high "wrought iron-style" fence designed to discourage climbing (i.e. shall not have a horizontal top member), or a seven (7) foot high black vinyl coated chain link fence shall be provided within the thirty-five (35) foot buffer adjacent to TAX ID 782-653-3923 as shown on the "Zoning Plan" and shall be set back zero (0) to five (5) feet from the property line. This fence

shall be installed in phases as soon as practical, and shall be installed adjacent to any residences prior to the occupancy of such residences on any tract adjacent to the Chester Fishing Club pond.

- c. A minimum three (3) foot high fence, wall, or hedge (at mature growth shall be a minimum three (3) feet high) shall be provided for the remaining perimeter property lines, with the exception of lake frontage along Tax ID 780-654-3863. (P)
15. Lighting. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads as approved by the Planning Department. (P)
16. Focal Point. A minimum of 0.50 acres shall be provided in the clubhouse area, to provide a "focal point" to Tract A. A second focal point containing a minimum of 0.50 acres shall be provided at the entrance to Tract B, adjacent to the 5± acre lake. Part of the area shall be "hardscaped" and have other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of site and/or subdivision plan review. The clubhouse building and its related recreational amenities shall be developed concurrent with the first phase of development. (P)
17. Restriction on Children's Play Facilities: The common area/recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. (P)
18. Buffering. Buffer locations and sizes shall be as depicted on the accompanying plan entitled "Zoning Plan" and dated June 3, 2004 and revised October 18, 2004, by Balzer & Associates. The buffers shall be planted in accordance with the requirements of the Zoning Ordinance Section 19-520 through 19-522. The thirty-five (35) foot buffer adjacent to TAX ID 782-653-3923 shall be planted at two (2) times Landscape requirement 'C'. Existing vegetation can be counted towards the requirements, and at a minimum, additional medium evergreen shrubs shall be provided at a height of three (3) to four (4) feet and planted at an average rate of one per eight (8) foot. (P)
19. Notification. The developer shall be responsible for notifying by registered, certified or first class mail the last known representative on file with the Chesterfield County Planning Department of Buxton Subdivision as well as the Chester Community Association and the Chester Fishing Club of the submission of any site plan or subdivision plat for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)
20. Dwelling Size. All single family dwelling units located on lots having less than 12,000 square feet shall have a

minimum gross floor area of 1,500 square feet. All single family dwelling units located on lots having 12,000 square feet or greater shall have a minimum gross floor area of 2,000 square feet. (P)

21. Garage Doors. Visual impacts of garage doors on single family dwellings facing the street shall be minimized through the use of architectural fenestration and/or orientation. (P)
22. Driveways. All private driveways shall be hardscaped. (P)
23. Foundation Treatment. All exposed portions of the foundation, with the exception of concrete slab, and exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
24. Building Materials. Dwelling units shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or vinyl siding; and 25-year asphalt shingles. (P)
25. Virginia Condominium Act: All multifamily dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
26. Restrictive Covenants. The following provisions shall be contained in restrictive covenants, which shall be recorded for the Single Family Dwelling units:
  - a) No unit shall be used except for residential purposes.
  - b) No accessory buildings shall be erected, placed, or permitted on the premise.
  - c) No noxious or offensive activity shall be carried on upon by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.
  - d) No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of it's building permit.
  - e) No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet by a builder to advertise the property during the construction and sales period.
  - f) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.



- g) No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided.
- h) Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.
- i) The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.
- j) All dwelling units shall have washer and dryer hookups.
- k) All units shall have an attached garage containing a minimum of 200 gross square feet. (P)

27. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, for any dwelling units in excess of 106 dwelling units, to the county of Chesterfield prior to the issuance of building permit:

- a. \$6,542.00 per dwelling unit, if paid prior to July 1, 2005. At the time of payment, the \$6,542.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, \$4,380.00 for roads, \$551.00 for schools, and \$423.00 for fire stations; or
- b. The amount approved by the Board of Supervisors not to exceed \$6,542.00 per dwelling unit pro-rated as set forth above and adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
- c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
- d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**04SN0326**

In Bermuda Magisterial District, RIVER FOREST DEVELOPMENT COMPANY, LLC requests rezoning and amendment of zoning district map from Multifamily Residential (R-MF) and Light Industrial (I-1) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.8 acres fronting approximately 1,600 feet on the north line of Carver Heights Drive, approximately 200 feet west of West Booker Boulevard. Tax IDs 778-651-6195, 779-651-4095 and 779-652-8201 (Sheet 26).

Ms. Peterson presented a summary of Case 04SN0326 and stated staff recommended approval subject to the applicant adequately addressing the impact of the development on capital facilities, setbacks from commercial property and the focal point. She further stated, while the proposal conforms to the Central Area Land Use Plan, the proffered conditions do not adequately address the impact of the development on school facilities, and the application fails to provide appropriate setbacks from commercial properties and sufficient amount of open space. She stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the request complies with the Plan and the proffered conditions restricting the number of units with more than two bedrooms would minimize the impact on school facilities.

In response to Mr. King's question, Ms. Peterson stated the applicant will pay the full cash proffer for all units with more than two bedrooms.

Mr. Ed Kidd, representing the applicant, stated the Planning Commission addressed all of the minor issues raised by staff and recommended approval. He further stated the Planning Commission's recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. King made a motion, seconded by Mr. Barber, for the Board to approve Case 04SN0326 and accept the proffered conditions.

Mr. Barber stated, although the applicant does not have a track record like the previous applicant, he believes units with two bedrooms or fewer typically indicates that there will be no school-age children.

Mr. Miller called for a vote on the motion of Mr. King, seconded by Mr. Barber, for the Board to approve Case 04SN0326 and accept the following proffered conditions:

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield

County Tax IDs 778-651-6195, 779-651-4095 and 779-652-8201 containing a total of 23.8 acres (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property for RM-F with CUPD is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

1. Textual Statement. In conjunction with the approval of this request, the Textual Statement dated June 15, 2004, last revised November 15, 2004 shall be approved. (P)
2. Dwelling Size and Building Materials.
  - a. Each dwelling unit constructed on the Property shall have a minimum gross floor area of one thousand three hundred fifty (1,350) square feet. (P)
  - b. Not less than sixty (60) percent of the exposed portions of the exterior of each building constructed on the Property shall be constructed of brick veneer with the remainder of such exposed exterior portions being constructed of vinyl siding or cement board siding or other materials approved by the Planning Commission in connection with site plan review. Roofs shall be of asphalt shingles or other materials with a minimum life of 20 years. (P)
3. Density. A maximum of ninety six (96) dwelling units shall be developed on the Property. (P)
4. Focal Point/Recreation Areas.
  - a. Open space/recreation areas shall be provided on each of the east and west sides of South Chalkley Road to provide focal points as one enters each entrance to the Property from South Chalkley Road and to provide passive recreation areas. Such areas shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings and one of such areas will include a clubhouse building with a minimum gross floor area of two thousand (2,000) square feet. The two areas together shall contain a total of not less than one and one half (1.5) acres, the area including the clubhouse shall contain a not less than one (1) acre and the other area shall contain not less than one half (.5) acre. The exact design and location of such areas shall be approved by the Planning Department at the time of site plan review. Any clubhouse building shall be developed concurrent with the first phase of development.
  - b. Common area recreational amenities included within the Property shall be predominantly for adult use. Examples of possible amenities include swimming pools, putting greens, shuffleboard, park areas, picnic and barbecue areas and gardens. (P)

5. Sidewalks. Sidewalks shall be provided on both sides of all rights of way for Public Roads (as defined herein). To the extent allowed by VDOT, such sidewalks may be located within the rights of way for the Public Roads (as defined herein). In addition, a system of walking trails or pathways shall be provided within the Property which trails or pathways shall have a minimum width of four (4) feet and shall be hardscaped with asphalt. (P)
6. Fence and Buffer.
  - a. A decorative fence shall be constructed along (i) the boundaries of the Property adjacent to South Chalkley Road (both sides) and (ii) along Branders Creek Drive for a distance of approximately two hundred forty (240) feet from South Chalkley Road. The exact design shall be approved by the Planning Department at the time of site plan review; provided, however, provision of a three (3) rail vinyl fence shall be deemed to satisfy this proffer.
  - b. A thirty (30) foot buffer shall be provided along the northern property line of the portion of the Property located east of Chalkley Road. This buffer shall comply with the requirements of the Ordinance for Sections 19-520 through 522 except that plant density shall be increased to one and one-half times that required for Perimeter Landscape C. A solid wood or vinyl privacy fence, a minimum of six (6) feet in height, shall be incorporated into this landscaped buffer along this northern property boundary. (P)
7. Street Trees. Street trees shall be installed along each side of the Public Roads (as defined herein) and along each side of common driveways within the Property. If existing trees are maintained, they may be counted toward this requirement. The exact location, spacing, size and species of plantings shall be approved by the Planning Department prior to final site plan approval. (P)
8. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Landscaping shall be designed to (i) minimize the predominance of building mass and paved areas, (ii) define private spaces and (iii) enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)
9. Driveways. All private driveways shall be hardscaped with asphalt, concrete or aggregate. (P)
10. Garages. At least sixty (60) percent of the door openings of garages within the Property shall be

oriented in a manner so as not to be directly visible from the Public Roads (as defined herein). (P)

11. Utilities. The public water and wastewater systems shall be used. (U)
12. Concrete Curb and Gutter. Concrete curb and gutter shall be installed within the Public Roads (as herein defined). (EE)
13. Timbering. Except for Timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department. (EE)
14. Drainage. No impervious areas from buildings or paved areas used for vehicular traffic shall drain across the eastern boundary of the property adjacent to the Carver Home Sites subdivision. (EE)
15. Virginia Condominium Act. All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
16. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the amounts set forth below to the County of Chesterfield, prior to the time of issuance of a building permit for each new dwelling unit for infrastructure improvements within the service district for the Property:
  - a. For all dwellings units initially constructed with more than two (2) bedrooms:
    1. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005.
    2. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$11,500.00 per unit and shall be adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - b. For all dwelling units initially constructed with two (2) or fewer bedrooms:
    1. \$5,991 per dwelling unit, if paid prior to July 1, 2005. At the time of payment, the \$5,991.00 will be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$786.00 for parks, \$402.00 for library facilities, \$4,380.00 for roads and \$423.00 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$5,991.00 per unit

(prorated as set forth above) and shall be adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.

- c. Building plans submitted for building permits shall designate the number of bedrooms in each dwelling unit.
- d. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees in a manner as determined by the County. (B & M)

17. Transportation.

- a. Prior to any site plan approval, forty-five (45) feet of right-of-way on the north side of Carver Heights Drive, measured from the centerline of that part of Carver Heights Drive, immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- b. To provide for an adequate roadway system, the Developer shall be responsible for the following:
  - 1. Construction of two (2) additional lanes of pavement along South Chalkley Road, to VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from its current four (4) lane section to Branders Creek Drive to provide a four (4) lane divided facility.
  - 2. Construction of a two (2) lane road for extension of South Chalkley Road ("South Chalkley Extended"), to VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from Branders Creek Drive to Carver Heights Drive.
  - 3. Relocation of the ditch along the north side of Carver Heights Drive to provide an eight (8) foot wide unpaved shoulder, with modifications approved by the Transportation Department, from South Chalkley Extended, eastward, for the entire property frontage.
  - 4. Construction of additional pavement along South Chalkley Extended at each approved access to provide left and right turn lanes, based on Transportation Department standards.

5. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements described above.

Prior to any site plan approval, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department.

- c. Direct access from the Property to South Chalkley Road shall be limited to one (1) public road on each of the east and west sides of South Chalkley Road. The exact location of these accesses shall be approved by the Transportation Department. No direct access shall be provided from the Property to Branders Creek Drive or to Carver Heights Drive.
- d. All roads that accommodate general traffic circulation through the Property (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from the Public Roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. (T)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

## 17. PUBLIC HEARINGS

### 17.A. TO CONSIDER AMENDING THE ZONING ORDINANCE TO CLARIFY THE PROCESS FOR OBTAINING A CERTIFICATE OF APPROPRIATENESS FOR A DESIGNATED COUNTY HISTORIC LANDMARK

Mr. Steve Haasch stated this date and time has been advertised for a public hearing to consider amending the Zoning Ordinance to clarify the process for obtaining a certificate of appropriateness for a designated county historic landmark.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance amendment.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board adopted the following ordinance amendment:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY  
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING  
AND RE-ENACTING SECTION 19-51 OF THE ZONING ORDINANCE  
RELATING TO APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS  
FOR HISTORICALLY DESIGNATED PROPERTY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-51 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

**Sec. 19-51. Certificates of appropriateness.**

(a) *Authority.* The preservation committee, acting as a body, shall have authority to issue certificates of appropriateness, in accordance with the provisions of this section.

(b) *Certificate required.* With regard to buildings, structures or other improvements to the premises which have been designated as landmarks or landmark sites or which are located within a designated historic district it shall be unlawful:

- (1) For any person to perform, cause or permit any construction, alteration or remodeling that would affect the exterior architectural appearance or property thereof;
- (2) For any person to remove, move, demolish or commit any other land disturbing activities with regard to them; or
- (3) For any person to secure or issue a building permit authorizing any such work, unless a certificate of appropriateness with respect to such works shall have first been issued pursuant to this section.

(c) *Applications for certificates of appropriateness.*

- (1) Applications for certificates of appropriateness shall be submitted to the director of planning in such form as the preservation committee shall prescribe.
- (2) When the work to be performed in conformance with a certificate of appropriateness requires zoning approval, no application for a certificate of appropriateness shall be acted on until such approval has been issued. A certificate of appropriateness shall be issued or denied solely on the basis of the standards established by this chapter.

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(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.B. TO CONSIDER THE TAX EXEMPTION REQUEST OF COMMUNITY BASED SERVICES, INCORPORATED**

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider the tax exemption request of Community Based Services, Incorporated.

Mr. Miller called for public comment.



No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE TO DESIGNATE THE REAL AND PERSONAL PROPERTY  
OF COMMUNITY BASED SERVICES, INC.  
TO BE EXEMPT FROM PROPERTY TAXATION

WHEREAS, subsection 6(A)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, authorizes localities to designate as exempt from local taxation the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the County has received a request from Community Based Services, Inc. to consider granting it a tax exemption for real and personal property owned by it in Chesterfield County; and

WHEREAS, in accordance with Va. Code, §58.1-3651 the Board has conducted a public hearing and considered each of the questions required to be considered before adopting an ordinance granting any such exemption; and

WHEREAS, the Board has determined that Community Based Services, Inc. meets the requirement for the real and personal property tax exemption that it has requested by reason of its being a non-profit organization which uses the real and personal property for which it is requesting the exemption for benevolent purposes.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

1. Community Based Services, Inc. is hereby designated a benevolent organization within the context of Section 6(A)(6) of Article X of the Constitution of Virginia.

2. Real and personal property located in Chesterfield County owned by Community Based Services, Inc. and used by such organization exclusively for benevolent purposes on a non-profit basis as set forth in Section 1 of this ordinance is hereby determined to be exempt from local taxation. This exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated as exempt in Section 1.

3. This real and personal property tax exemption shall be effective as of January 1, 2005.

4. This ordinance shall not be set out in the County Code but shall be kept on file in the offices of the real estate assessor and commissioner of revenue.

5. This ordinance shall be in effect immediately upon its adoption.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.C. TO CONSIDER THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO PURCHASE TERRORISM RELATED EQUIPMENT FOR PUBLIC SAFETY PERSONNEL**

Mr. Curt Nellis, Deputy Emergency Management Coordinator stated this date and time has been advertised for a public hearing for the Board to consider the receipt and appropriation of \$839,962.12 in grant funds from the United States Department of Homeland Security, State Homeland Security Grant Program.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved the receipt and appropriation of \$839,962.12 in noncompetitive grant funds from the United States Department of Homeland Security, State Homeland Security Grant Program. (It is noted no local match funds are required.)

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.D. TO CONSIDER THE APPROPRIATION OF ROAD CASH PROFFER FUNDS FOR THE HAPPY HILL ROAD IMPROVEMENT PROJECT**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider appropriation of road cash proffer funds for the Happy Hill Road Improvement Project.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board appropriated \$548,056 in traffic shed 19 road cash proffers for the Happy Hill Road Improvement Project between Harrowgate Road and Longmeadow Boulevard, and authorized the County Administrator to enter into the necessary county/Virginia Department of Transportation/consultant/contractor, design, right-of-way acquisition, environmental permits and/or construction agreements, acceptable to the County Attorney, for the project.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.E. TO CONSIDER THE APPROPRIATION OF ROAD CASH PROFFER FUNDS FOR THE CENTRALIA ROAD IMPROVEMENT PROJECT**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the appropriation of road cash proffer funds for the Centralia Road Improvement Project.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board appropriated \$1,527,466 in traffic shed 13 road cash proffers for the Centralia Road Improvement Project between Salem Church Road and Chalkley Road, and authorized the County Administrator to enter into the necessary county/Virginia Department of Transportation/consultant/contractor, design, right-of-way acquisition, environmental permits, and/or construction agreements, acceptable to the County Attorney, for the project.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Mrs. Humphrey stated the Happy Hill and Centralia Road Improvement Projects are excellent examples of the use of cash proffer funds.

**17.F. APPROPRIATION OF FUNDS FROM FY2004 RESULTS OF OPERATIONS**

Mr. Allan Carmody, Budget Manager, stated this time and date has been advertised for the Board to consider appropriation of funds from FY2004 results of operations.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board appropriated \$3,077,862 in the FY2005 School Fund from FY2004 Results of Operations for the following: \$48,589 to address a FY2004 year-end shortfall in the Comprehensive Services fund; and \$3,029,273 for non-recurring items that will be ordered in FY2005 for use in the 2005-2006 school year.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.G. TO CONSIDER AMENDING THE BACKGROUND CHECK POLICY FOR COACHES OF CO-SPONSORED YOUTH ATHLETIC LEAGUES**

Mr. Mike Chernau, Senior Assistant County Attorney, stated this date and time has been advertised for a public hearing for the Board to consider amending the background check policy for coaches of co-sponsored youth athletic leagues. He further stated, under the current policy, felony possession or distribution convictions within five years of application are an absolute bar to coaching; and felony possession or distribution convictions beyond five years as well as misdemeanor possession or distribution convictions, are considered on a case-by-case basis by the review committee set up by the policy. He stated the Parks and Recreation Advisory Commission (PRAC) recommends changing the five-year limitation on drug related felonies to eight years, and that other drug-related convictions continue to be reviewed on a case-by-case basis. He further stated there is one individual with a felony conviction within eight years that is currently approved who would be disqualified. He stated the county's background check review committee

recommends amending the existing policy to make any felony conviction related to drug distribution a barrier crime regardless of when the conviction occurred; that felony drug possession remain a barrier crime only when the conviction occurred within five years; and that all other drug related convictions continue to be reviewed on a case by case basis. He further stated, under the review committee's recommendation, 14 individuals who current hold coaching cards would be disqualified.

In response to Mr. King's question, Mr. Chernau stated juvenile convictions prior to the age of 18 are not considered.

Discussion ensued relative to activities that would cause a felony distribution conviction.

Mr. Miller noted that many felony distribution cases can be plea bargained down to simple possessions, and many felony possessions can be plea bargained down to misdemeanor possessions. He stated he supports the felony distribution recommendation proposed by the committee and the other recommendations proposed by PRAC, indicating he does not believe the county should have people coaching who have been convicted of felony drug distribution or possession.

When asked, Mr. Chernau stated there are 14 existing coaches who would be impacted if felony distribution convictions barred individuals from coaching altogether. He further stated he does not have the number of existing coaches who would be barred for felony possession convictions within eight years, but he believes it is a small number.

Mr. Barber expressed concerns relative to revoking the cards of coaches and exposing their convictions.

Mr. Miller called for public comment.

Mr. Mike Hairfield, Commissioner of the Chesterfield Quarterback League, stated a drug dealer is a felon and does not belong as a coach in the county. He stated he can support PRAC's recommendation regarding felony possession, but believes felony drug distribution convictions should be barred altogether.

Mr. Tim Mick, PRAC member, stated PRAC recommended an eight-year limitation on felony convictions for distribution and possession, based upon someone being convicted at the age of 18 - by the age of 27, should have their "ducks in a row." He further stated it is his understanding that the revised policy would not be immediately applied to existing coaches, but phased in similar to the policy change adopted by the Board earlier today relating to expanded national checks.

Mr. Ramsey stated, without direction, it is staff's interpretation that the Board would immediately revoke the coaching cards from individuals falling within the new limitation, if adopted by the Board.

Mr. King expressed concerns relative to revoking cards of individuals who might be in the middle of a season.

Mr. Hairfield stated he would not have a problem with coaches finishing their season prior to revoking their card.

Mr. Miller expressed concerns relative to continuing to allow an individual to coach and possibly distribute drugs for the remainder of a season.

There being no one else to speak to the issue, the public hearing was closed.

Mr. King expressed concerns relative to children losing their coach in the middle of a season.

Mr. Miller made a motion, seconded by Mr. Warren, for the Board to approve the background check review committee's recommendation that felony distribution convictions be an absolute bar from coaching and the Parks and Recreation Advisory Commission's recommendation that possession of drugs occurring within eight years of application be an absolute bar to coaching, while other drug related convictions continue to be reviewed on a case-by-case basis, effective immediately.

Mr. Barber expressed concerns relative to exposing someone for a past conviction that they are trying to overcome.

Mr. Micas stated the policy change could be made effective at the close of the winter sports season.

After further discussion, Mr. Barber made an amended motion, seconded by Mr. King, for the Board to approve the background check review committee's recommendation that felony distribution convictions be an absolute bar from coaching and the Parks and Recreation Advisory Commission's recommendation that possession of drugs occurring within eight years of application be an absolute bar to coaching, while other drug related convictions continue to be reviewed on a case-by-case basis, effective March 15, 2005.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.H. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF LOT 18  
WITHIN PLAN OF AVON ESTATES SUBDIVISION**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of Lot 18, Plan of Avon Estates.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to THE HARWAY GROUP, LLC, ("GRANTEE"), a portion of Lot 18, Plan of Avon Estates, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's

Office of the Circuit Court of Chesterfield  
County in Plat Book 9, at Page 7.

WHEREAS, THE HARWAY GROUP, LLC, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of Lot 18, Plan of Avon Estates, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 9, Page 7, by PHILLIP H. BROOKS, dated NOVEMBER 27, 1950, and recorded DECEMBER 5, 1950. The portion of Lot 18 petitioned to be vacated is more fully described as follows:

A portion of Lot 18 within Plan of Avon Estates Subdivision, the location of which is more fully shown on a plat made by TIMMONS GROUP, dated JULY 23, 2003, and revised APRIL 11, 2003, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of Lot 18 sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of Lot 18 be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and THE HARWAY GROUP, LLC, or its successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**17.I. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF LOT 1  
WITHIN SNEAD - CURTIS ADDITION**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of Lot 1 within Snead - Curtis Addition.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. King, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to RONALD J. ROST, ("GRANTEE"), a portion of Lot 1, Snead - Curtis Addition, BERMUDA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 3, at Page 179.

WHEREAS, RONALD J. ROST, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of Lot 1, Snead - Curtis Addition, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 3, Page 179, by J. A. NICHOLS, dated JULY 1920. The portion of Lot 1 petitioned to be vacated is more fully described as follows:

A portion of Lot 1, Snead - Curtis Addition, the location of which is more fully shown on a plat made by GENE WATSON & ASSOCIATES, P.C., dated SEPTEMBER 22, 2004, and revised OCTOBER 6, 2004, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of Lot 1 sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of Lot 1 be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and RONALD J. ROST, or their successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.J. TO CONSIDER AN ORDINANCE TO VACATE TWO TWENTY-FOOT ALLEYS IN BON AIR**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate two 20-foot alleys in Bon Air.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to THE HODGINS, L.L.C., a Virginia limited liability company, HARRIETTE T. FLOYD, JOHN D. DUTTON, JR. and WILLIAM EVENSON, TRUSTEES of ST MICHAEL'S EPISCOPAL CHURCH, LENARD W. TUCK, JR. and ROBIN J. TUCK, husband and wife, ASHBY SANDERSON PAYNE, CHARLES W. EWING, II and JULIA T. EWING, his wife, DONALD A. HODGINS and ELIZABETH GARRY HODGINS, also known as ELIZABETH GARY HODGINS, his wife ELIZABETH GARRY HODGINS, CHARLES EDWARD FRAKER, JR., and SUSAN FRAKER SNEAD also known as SUSAN FRAKER DIAS, EDWARD A. MYERS, JR. and REBECCA S. MYERS, husband and wife, ("GRANTEE"), a 20' alley within Block 3, and a 20' alley within Block 14, Bon Air, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 1, at Page 115 and Plat Book 3, Page 51.

WHEREAS, ELIZABETH G. HODGINS, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a 20' alley within Block 3, and a 20' alley within Block 14, Bon Air, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 1, Page 115, dated JULY 1880, and Plat Book 3, Page 51, by BERKLEY & SCHMIDT, dated JANUARY 1912. The alleys petitioned to be vacated are more fully described as follows:

A 20' alley within Block 3 and a 20' alley within Block 14, Bon Air, the location of which is more fully shown on a map attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the alleys sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:



That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid alleys be and are hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the alleys hereby vacated in the abutting property owners of Block 3 and Block 14, within Bon Air free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and THE HODGINS, L.L.C., a Virginia limited liability company, HARRIETTE T. FLOYD, JOHN D. DUTTON, JR. and WILLIAM EVENSON, TRUSTEES of ST MICHAEL'S EPISCOPAL CHURCH, LENARD W. TUCK, JR. and ROBIN J. TUCK, husband and wife, ASHBY SANDERSON PAYNE, CHARLES W. EWING, II and JULIA T. EWING, his wife, DONALD A. HODGINS and ELIZABETH GARRY HODGINS, also known as ELIZABETH GARY HODGINS, his wife ELIZABETH GARRY HODGINS, CHARLES EDWARD FRAKER, JR., and SUSAN FRAKER SNEAD also known as SUSAN FRAKER DIAS, and EDWARD A. MYERS, JR. and REBECCA S. MYERS, husband and wife, or their successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

**17.K. TO CONSIDER AN ORDINANCE TO VACATE OPEN SPACE WITHIN OLD CREEK WEST, SECTION 6**

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate 1.467 acres of open space within Old Creek West, Section 6.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to GILLSGATE, L.L.C., a Virginia limited liability company, ("GRANTEE"), an open space containing 1.467 acres within Old Creek West, Section 6, CLOVER HILL Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit

Court of Chesterfield County in Plat Book 43, at  
Page 88.

WHEREAS, GILLSGATE, L.L.C., petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate an open space containing 1.467 acres within Old Creek West, Section 6, CLOVER HILL Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 43, Page 88, by J. K. TIMMONS & ASSOCIATES, INC., dated AUGUST 16, 1983, and recorded AUGUST 31, 1983. The open space petitioned to be vacated is more fully described as follows:

An open space containing 1.467 acres within Old Creek West, Section 6, the location of which is more fully shown on a plat made by J. K. TIMMONS & ASSOCIATES, INC., dated AUGUST 16, 1983, and recorded AUGUST 31, 1983, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the open space sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid open space be and is hereby vacated.

GRANTEE hereby conveys unto the GRANTOR and GRANTOR hereby reserves a 16' easement, as shown on the attached plat.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and GILLSGATE, L.L.C., a Virginia limited liability company, or their successors in title, as GRANTEE.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

Mr. Miller stated it is necessary for the Board to go back into Closed Session to complete discussion from the afternoon session.

**CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(3), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS WITH LEGAL COUNSEL THE ACQUISITION OF REAL ESTATE FOR A PUBLIC PURPOSE WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THE PUBLIC BODY**

On motion of Mr. Warren, seconded by Mr. Barber, the Board went into a Closed Session pursuant to Section 2.2-3711(A)(3), Code of Virginia, 1950, as amended, to discuss with legal counsel the acquisition of real estate for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Ayes: Miller, Barber, Humphrey, King and Warren.

Nays: None.

Reconvening:

On motion of Mr. King, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.  
Mr. King: Aye.  
Mrs. Humphrey: Aye.  
Mr. Barber: Aye.  
Mr. Miller: Aye.

Reconvening:

On motion of Mr. Barber, seconded by Mr. King, the Board suspended its rules at this time to add an item to the Agenda.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**ASSIGNMENT OF REAL ESTATE PURCHASE AGREEMENT FOR THE "SEARS" PROPERTY AT CLOVERLEAF MALL**

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved and authorized the County Administrator to execute the assignment agreement with Chesapeake Realty Ventures LLC and the Industrial Development Authority ("IDA") providing for the purchase by the IDA of 15 acres at Cloverleaf Mall, commonly referred to as the "Sears" property.

And, further, the Board approved the use of \$3,125,000 by the IDA from the existing \$10,000,000 line of credit to acquire the Sears property for the payment to acquire the Real Estate Purchase Agreement.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

**18. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS**

There were no remaining mobile home permits or zoning requests at this time.

Mr. Shawn McIntyre, Advanced Placement Government Student from Lloyd Bird High School, was recognized by the Board for his presence throughout the meeting.

**19. ADJOURNMENT**

On motion of Mr. Warren, seconded by Mr. King, the Board adjourned at 8:35 p.m. until January 12, 2005 at 4:00 p.m.

Ayes: Miller, Barber, Humphrey, King and Warren.  
Nays: None.

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Lane B. Ramsey  
County Administrator

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Kelly E. Miller  
Chairman